

LAWS

OF THE

STATE OF DELAWARE

ONE HUNDRED AND FIFTH
SESSION OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER

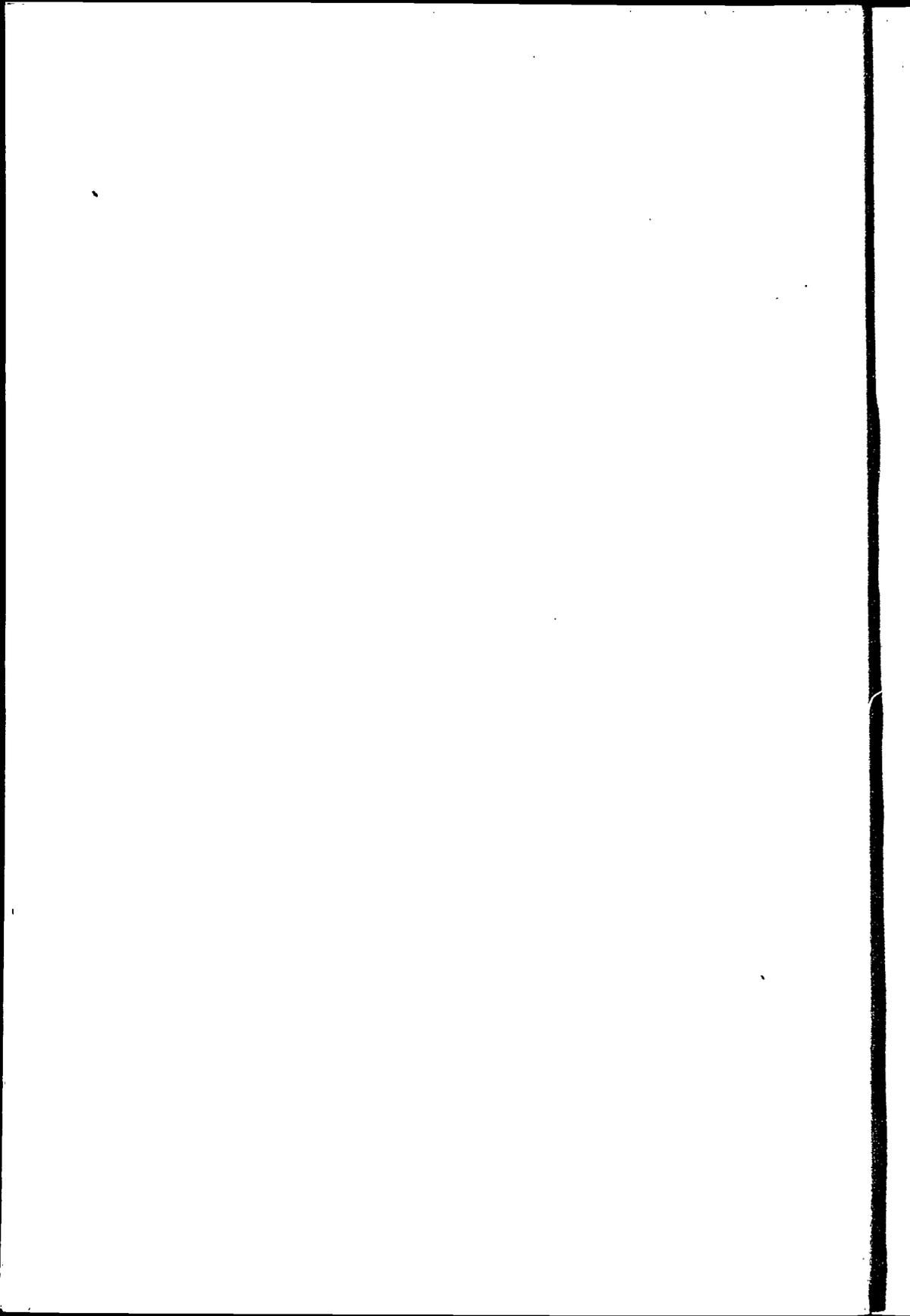
On Tuesday, January 1, A. D.
1935

AND

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED STATES
THE ONE HUNDRED AND FIFTY-NINTH

VOLUME XL

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LAWS of DELAWARE

Title One

Construction of Statutes

CHAPTER 1

AMENDMENT TO CONSTITUTION

AN ACT AGREEING TO THE PROPOSED AMENDMENT OF SECTION 17, OF ARTICLE 2 OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATIVE TO THE SALE OF LOTTERY TICKETS, POOL SELLING AND OTHER FORMS OF GAMBLING.

WHEREAS, an Amendment to the Constitution of the State of Delaware was proposed in the Senate in the One Hundred and Fourth Session of the General Assembly, as follows:

"AN ACT proposing an Amendment to Section 17, of Article 2, of the Constitution of the State of Delaware, relating to the sale of Lottery Tickets, Pool Selling and other forms of Gambling.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House agreeing thereto):

Section 1. That Article 2 of the Constitution of the State of Delaware be and the same is hereby amended, by striking out all of section 17, of Article 2 thereof, and by inserting in lieu thereof a new Section 17, in the following language, viz:

AMENDMENT TO CONSTITUTION

Section 17. Lotteries:—The sale of Lottery Tickets, Pool Selling and all other forms of gambling are prohibited in this State; except wagering or betting on races at race tracks by the use of pari-mutuel machines or totalizators in connection therewith. The General Assembly shall enforce this section by appropriate legislation.”

AND WHEREAS, the said proposed Amendment was agreed to by two-thirds of all the members elected to each House in the said One Hundred and Fourth Session of the General Assembly; and

WHEREAS, the said proposed Amendment was published by the Secretary of State three months before the next general election, to-wit: the general election of 1934, in three newspapers in each County in the State of Delaware; NOW, THEREFORE,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House of the General Assembly agreeing thereto):

Section 1. That the said proposed Amendment be and it is hereby agreed to and adopted and that the same shall forthwith become and be a part of the Constitution.

CHAPTER 2

AMENDMENT TO CONSTITUTION

AN ACT AGREEING TO THE PROPOSED AMENDMENT TO SECTION 28 OF ARTICLE IV OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO WRIT OF ERROR.

WHEREAS, an Amendment to the Constitution of the State of Delaware was proposed in the Senate in the One Hundred and Fourth Session of the General Assembly, as follows:

"AN ACT proposing an Amendment to Section 28 of Article IV of the Constitution of the State of Delaware, relating to Writ of Error.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House agreeing thereto):

Section 1. That Section 28 of Article IV of the Constitution of the State of Delaware be amended so as to read as follows:

Section 28. No writ of error shall be brought upon any judgment heretofore confessed, entered or rendered or upon any judgment hereafter to be confessed, entered or rendered, but within six months after the confessing, entering or rendering thereof; unless the person entitled to such writ be an infant, non compos mentis, or a prisoner, and then within six months exclusive of the time of such disability."

AND WHEREAS, the said proposed Amendment was agreed to by two-thirds of all the members elected to each House in the said One Hundred and Fourth Session of the General Assembly; and

WHEREAS, the said proposed Amendment was published by the Secretary of State three months before the next general election; to wit: the general election of 1934, in three newspapers in each County in the State of Delaware; Now Therefore,

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Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House of the General Assembly agreeing thereto):

Section 1. That the said proposed Amendment be and it is hereby agreed to and adopted and that the same shall forthwith become and be a part of the Constitution.

CHAPTER 3

AMENDMENT TO CONSTITUTION

AN ACT PROPOSING AN AMENDMENT TO SECTION 15 OF ARTICLE 2 OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE COMPENSATION OF THE MEMBERS AND PRESIDING OFFICERS OF THE GENERAL ASSEMBLY, AND FIXING AND LIMITING THE AMOUNT FOR CLERKS, EMPLOYEES AND ATTACHES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House concurring therein):

Section 1. That Section 15 of Article 2 of the Constitution of the State of Delaware, as amended by Chapter 15, Volume 30, Laws of Delaware, be amended by striking out all of the first paragraph of the said Section 15 of Article 2, and inserting in lieu thereof the following:

The members of the General Assembly, except the presiding officers of the respective Houses, shall receive as compensation for their services a per diem allowance of Fifteen Dollars (\$15.00), and the presiding officers a per diem allowance of Seventeen Dollars (\$17.00), for each day of the Session, not exceeding sixty days; and should they remain longer in Session they shall serve without compensation. In case a special or extra session of the General Assembly be called, the members and presiding officers shall receive like compensation for a period not exceeding thirty days.

In addition to the per diem compensation next hereinabove provided for, each Member living within a radius of twenty miles of the corporate limits of the City of Dover shall receive One Hundred Dollars (\$100.00) to cover such Members traveling expenses in full and each Member living more than twenty miles from the corporate limits of the City of Dover but not more than forty miles therefrom, shall receive an additional sum of Two Hundred Dollars (\$200.00) to cover such Members traveling expenses in full, and each Member living at a greater distance than forty

AMENDMENT TO CONSTITUTION .

miles from the corporate limits of the said City of Dover shall receive an additional sum of Three Hundred Dollars (\$300.00) to cover the traveling expenses of such Member in full.

Except as in this Section 15 expressly provided, the members of the General Assembly shall receive no allowance or payment for services, traveling expenses, supplies or other expenses while attending or in connection with Sessions of the General Assembly.

The expenses of the Senate during any biennial Session of the General Assembly for clerks, employees and attaches shall be limited to the sum of Twelve Thousand Dollars; and the expenses of the House of Representatives during any biennial Session of the General Assembly for clerks, employees and attaches shall be limited to the sum of Eighteen Thousand Dollars.

The expenses of the Senate during any special or extra Session of the General Assembly for clerks, employees and attaches shall be limited to the sum of Six Thousand Dollars; and the expenses of the House of Representatives during any special or extra Session of the General Assembly for clerks, employees and attaches shall be limited to Nine Thousand Dollars.

Title Two

Jurisdiction and Property of the State

CHAPTER 4

CESSION OF LANDS TO THE U. S. GOVERNMENT

AN ACT TO AMEND AN ACT ENTITLED "AN ACT GRANTING THE CONSENT OF THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE TO THE ACQUISITION BY THE UNITED STATES OF LANDS AT THE MOUTH OF MISPELLION RIVER IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE," BEING CHAPTER 6, VOLUME 38, LAWS OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Act entitled "AN ACT granting the consent of the General Assembly of the State of Delaware to the acquisition by the United States of Lands at the mouth of the Mispillion River in Cedar Creek Hundred, Sussex County, State of Delaware" being Chapter 6, Volume 38, of the Laws of Delaware, be and the same is hereby amended by striking out Section 2 and by substituting in lieu thereof a new Section 2 as follows:

"Section 2. Jurisdiction over the said lands, which have heretofore been acquired or which shall hereafter be acquired, is hereby granted and ceded to the United States; provided, that the sovereignty and jurisdiction of this State shall extend over the said lands so far as that all civil process and such criminal process as may issue

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under the authority of this State against any person or persons charged with crimes or other offenses committed without such lands may be executed thereon in the same way and manner as if this consent had not been given."

Approved March 13, 1935.

CHAPTER 5

CESSION OF LANDS TO U. S. GOVERNMENT

AN ACT TO CEDE TO THE UNITED STATES OF AMERICA CERTAIN LAND ALONG THE COAST LINE OF DELAWARE, BORDERING DELAWARE BAY IN THE VICINITY OF LEWES, DELAWARE, FOR THE PURPOSE OF NATIONAL DEFENSE.

WHEREAS, The land along the coast line of Delaware from the Quarantine Station to the point of the Cape at Lewes, Delaware, is required for use by the United States of America in connection with the defenses of Delaware Bay; and

WHEREAS, The United States of America is contemplating placing several installations on said lands if and when funds are appropriated by the United States Congress for this purpose; and

WHEREAS, Said installation along said coast will be made and said land utilized in other ways in any defense of the Delaware Bay against a foreign power with which the United States of America is at war; therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That all the right, title, interest, and property in and to the coast line of Delaware from the Quarantine Station to the point of the Cape at Lewes, bordering Delaware Bay in the vicinity of Lewes, Delaware, shall be and hereby is ceded to and vested in the United States of America for a period of eight (8) years as fully and to the same extent as this State now holds and is entitled to the same together with the jurisdiction thereof, provided, however, that in the event said land is put to use by the placing of several installations along said coast line by the United States of America, during the period of this grant, then this grant shall be extended indefinitely, so long as the said land is continued to be used by the said Government for such purposes; provided, nevertheless, that in the event that the said Government shall cease to use the said land for the purposes hereinabove stated, then and

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in such event the said land shall revert back to the State of Delaware and all rights ceded by this Act shall cease and determine.

Section 2. The sovereignty and jurisdiction of this State over the land herein conveyed to such extent as is existing at the present time is hereby rendered so far as that of civil and criminal processes as may issue under the authority of this State against any person or persons charged with crime or other offenses committed without such land may be executed therein in the same way and manner as if this consent had not been made.

Approved March 29, 1935.

CHAPTER 6
BOUNDARIES OF CERTAIN HUNDREDS IN
NEW CASTLE COUNTY

AN ACT TO AMEND CHAPTER TWO OF THE REVISED CODE OF THE STATE OF DELAWARE, A. D. 1915, RELATING TO THE JURISDICTION, LIMITS AND SOVEREIGNTY OF THE STATE OF DELAWARE, BY FIXING THE BOUNDARIES OF BRANDYWINE, WILMINGTON, NEW CASTLE, RED LION AND ST. GEORGES HUNDREDS.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:

Sec. 1. That 10, Sec. 9 of Chapter 2 of the Revised Code of the State of Delaware, A. D. 1915, be and the same is hereby amended by adding a new section to be known as 10-A Sec. 9-A:—

10-A Sec. 9-A:—BOUNDARIES OF CERTAIN HUNDREDS:

Brandywine Hundred comprises that part of New Castle County which is bounded as follows, namely:—

Beginning at the point where low water mark on the Westerly side of the Delaware River is intersected by the Northerly boundary line of the State of Delaware; thence by said boundary line, crossing the Delaware River, to low water mark on the Easterly side of the Delaware River; thence by the last mentioned low water mark to the point where said last mentioned low water mark is intersected by the Northerly boundary line of the City of Wilmington; thence by the present boundary lines dividing Brandywine Hundred from the City of Wilmington, Christiana Hundred, and the State of Pennsylvania, to the place of beginning.

Wilmington Hundred comprises that part of New Castle County which is bounded as follows, namely:—

All that part of New Castle County which is included within the corporate limits of the City of Wilmington.

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NEW CASTLE COUNTY

New Castle Hundred comprises that part of New Castle County which is bounded as follows, namely:—

Beginning at the point where low water mark on the Westerly side of the Delaware River is intersected by the Southerly boundary line of the City of Wilmington; thence by said boundary line, crossing the Delaware River to the low water mark on the Easterly side of the Delaware River; thence by the last mentioned low water mark to a point which is due East of the point where the boundary line between New Castle Hundred and Red Lion Hundred intersects the low water mark on the Westerly side of the Delaware River; thence due West to low water mark on the Westerly side of the Delaware River; thence by the present boundary lines dividing New Castle Hundred from Red Lion Hundred, Pencader Hundred, White Clay Creek Hundred, Christiana Hundred and the City of Wilmington, to the place of beginning.

Red Lion Hundred comprises that part of New Castle County which is bounded as follows, namely:—

Beginning at a point where low water mark on the Westerly side of the Delaware River is intersected by the present boundary line between New Castle Hundred and Red Lion Hundred; thence due East and crossing the Delaware River to low water mark on the Easterly side of the Delaware River; thence by the last mentioned low water mark to a point which is due East of the point where the boundary line between Red Lion Hundred and St. Georges Hundred intersects the low water mark on the Westerly side of the Delaware River; thence due West to low water mark on the Westerly side of the Delaware River; thence by the present boundary lines dividing Red Lion Hundred from St. Georges Hundred, Pencader Hundred and New Castle Hundred to the place of beginning.

St. Georges Hundred comprises that part of New Castle County which is bounded as follows, namely:—

Beginning at a point where low water mark on the Westerly side of the Delaware River is intersected by the present boundary

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NEW CASTLE COUNTY

line between Red Lion Hundred and St. Georges Hundred; thence due East and crossing the Delaware River to low water mark on the Easterly side of the Delaware River; thence by the last mentioned low water mark to a point where the said last mentioned low water mark is intersected by the twelve-mile circle; thence Westerly and Southerly by the boundary line dividing the State of Delaware from the State of New Jersey to a point which is due East of the point where the boundary line between St. Georges Hundred and Appoquinimink Hundred intersects the low water mark on the Westerly side of the Delaware River; thence due West to low water mark on the Westerly side of the Delaware River; thence by the present boundary lines dividing St. Georges Hundred from Appoquinimink Hundred, the State of Maryland, Pencader Hundred and Red Lion Hundred to the place of beginning.

All territory which shall hereafter be added to and included within the City of Wilmington shall become part of Wilmington Hundred.

Whenever by the extension of the limits of the City of Wilmington, territory forming part of any Hundred as hereby established, shall be included within the limits of the said City, such Hundred shall thereafter consist of the residue thereof not so included within said limits.

No property situated within that part of any Hundred which shall have become a part of the said Hundred by virtue of this Act shall be taxable until the final determination of the effect of an agreement or compact entered into in the year 1905 between the States of New Jersey and Delaware, known as the compact of 1905 and referred to in the opinion of the Supreme Court of the United States in the case entitled "New Jersey v. Delaware," reported in 291 U. S. 361. The word "determination" as herein used may refer either to agreement between the said States or to a final Court adjudication.

Approved April 12, 1935.

CHAPTER 7

GRANT TO THE PHILADELPHIA, BALTIMORE AND
WASHINGTON RAILROAD COMPANY

AN ACT AUTHORIZING THE GRANTING TO THE PHILADELPHIA, BALTIMORE AND WASHINGTON RAILROAD COMPANY, ITS SUCCESSORS AND ASSIGNS, THE UNINTERRUPTED RIGHT IN PERPETUITY TO SWING THE WIRES AND CABLES AND APPURTENANCES OF ITS ELECTRIC POWER TRANSMISSION LINE OVER AND ABOVE A PIECE OF LAND OF THE STATE OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Governor of The State of Delaware be and he is hereby authorized and empowered to grant under the great seal of the State of Delaware, duly attested, unto The Philadelphia, Baltimore and Washington Railroad Company, a corporation of the State of Delaware, Maryland and Pennsylvania, its successors and assigns, the uninterrupted right, liberty and privilege in perpetuity to swing the wires and cables and appurtenances of the electric power transmission line of said Railroad Company, its successors and assigns, over and above all that certain triangular piece of land of The State of Delaware, situate in White Clay Creek Hundred, New Castle County and State of Delaware, acquired "for Experimental Purposes in the Interest of Agriculture" by The State of Delaware from The Newark Trust and Safe Deposit Company, a corporation of the State of Delaware, by deed dated July 1, 1907, and recorded in the office of the Recorder of Deeds at Wilmington, Delaware, in deed record H, Volume 21, page 396, etc., pursuant to an act of the General Assembly approved March 29, 1907, Chapter 50, Volume 24, Laws of Delaware, bounded and described as follows, viz:

BEGINNING at an angle in the Southerly line of land of The Philadelphia, Baltimore and Washington Railroad Company and in the westerly line of land now or formerly of A. G. Stroud, at the distance of sixty-seven feet southwardly from a point in and

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measured at right angles to the line established as the center line of the railroad of said Railroad Company at survey station 2021, plus 38.06, said point in center line being at the distance of two thousand three hundred and forty-two feet, more or less, measured eastwardly along said center line, from another point therein opposite the center of said Railroad Company's Newark Passenger Station; extending from said place of beginning South one degree fifteen minutes East, by said land now or formerly of A. G. Stroud, one hundred and sixty feet and eighteen one-hundredths of a foot to a point; thence North seventy-two degrees thirty-six minutes West, by other land of The State of Delaware, two hundred and seventy feet and eighty-two one-hundredths of a foot to the said southerly line of land of the Railroad Company; and thence North seventy-two degrees forty-five minutes East, along said southerly line of land of the Railroad Company, parallel with and sixty-seven feet southwardly from and measured at right angles to the said center line of railroad, the distance of two hundred and sixty-six feet and ninety-four one-hundredths of a foot to the place of beginning. CONTAINING four hundred and seventy-two one-thousandths of an acre, more or less.

Section 2. This act shall be taken to be a public act.

Approved March 20, 1935.

Title Three

State Revenue

CHAPTER 8

FRANCHISE TAX

AN ACT TO AMEND CHAPTER 6, OF THE REVISED CODE OF THE STATE OF DELAWARE, RELATING TO FRANCHISE TAXES:

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:

Section 1. That Article 8 of Chapter 6, of the Revised Code of the State of Delaware, be and the same is hereby amended by adding thereto a new Section which shall be known as 117 Section 80, as follows:

117 Section 80. Every religious corporation, and every purely charitable or educational association, and every company, association or society, which by its certificate of incorporation, had, at the time its charter became void by operation of law, for its object the assistance of sick, needy, or disabled members, or the defraying of funeral expenses of deceased members, or to provide for the wants of the widows and families after death of its members, whose charter has become inoperative and void by operation of Section 74 of this Act for failure to file annual reports required, and to pay taxes or penalties from which it would have been exempt if such reports had been filed, shall be deemed to have filed all such reports and be relieved of all such taxes and penalties, upon satisfactory proof submitted to the Secretary of State of its right to be classified under any of the classifications hereinabove set out; and upon filing with the Secretary of State a certificate of renewal and

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revival in manner and form as required by Section 73 and Section 74 of Chapter 65 of the Revised Code of Delaware of 1915. Such corporation shall pay a filing fee for the use of the State of Seven Dollars (\$7.00), which shall be received in lieu of and in payment of all taxes and penalties which may or shall have accrued prior to the date of the filing of such certificate of renewal and revival.

Upon the filing by the corporation of the proof of classification as required herein, and the filing of the certificate of renewal and revival, and payment of the filing fee as herein required the Secretary of State shall issue a certificate that such corporation's Charter has been renewed and revived as of the date of the said certificate, and upon the recording of such certificate in the office of the Recorder of Deeds for the County in which the original charter of the said corporation was recorded, the said corporation shall be renewed and revived with the same force and effect as if its charter had not become inoperative and void, and with the validation of all acts done within the scope of its charter during the period when such charter was inoperative or void, and with the vesting in such corporation of all real and personal property which were its at the time its charter became inoperative or void, or which were in any manner acquired by it during the period when its charter was inoperative or void, all with the same force and effect as though its charter had at all times remained in full force and effect.

Section 2. Nothing herein contained shall be deemed or construed to relieve any corporation of any of the classifications hereinabove set out from filing the annual report required by Section 66 of this Act; provided that no filing fee for filing such report of any such corporation shall be required.

Section 3. All acts or part of acts inconsistent with this Act are hereby repealed to the extent of such inconsistency only.

Approved April 12, 1935.

CHAPTER 9

DELAWARE ESTATE TAX

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF DELAWARE 1915, AS AMENDED BY CHAPTER 8 OF VOLUME 35 AND CHAPTER 8 OF VOLUME 38, LAWS OF DELAWARE, RELATING TO DELAWARE ESTATE TAX.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 6 of the Revised Code of Delaware 1915, as amended by Chapter 8 of Volume 35 and Chapter 8 of Volume 38, Laws of Delaware, be and the same is hereby further amended by striking out and repealing all of 152A. Sec. 115A., and by inserting in lieu thereof the following new section:

152B. Sec. 115B. Delaware Estate Tax; Estates Subject to Tax; Administration and Enforcement; Collection of Tax by State Tax Department:—In addition to the tax prescribed by Section 109 of this Chapter, there shall be a tax to be known as "DELAWARE ESTATE TAX" on the estate of every person dying after the twenty-sixth day of February, 1926, and who at the time of his death was a resident of the State of Delaware, provided such estate is in the class of estates that are subject under the laws of the United States to a federal estate tax.

The said Delaware Estate Tax upon the estate of every decedent as aforesaid shall be computed as follows: The aggregate amount of the taxes due to the State of Delaware under the provisions of Section 109 of this Chapter in respect to any property, or estate, or interest therein, belonging to the decedent at the time of his death shall first be ascertained. To such amount there shall be added the aggregate amount of all estate, inheritance, legacy, and succession taxes actually paid to any other state or territory of the United States or to the District of Columbia in respect to any property owned by such decedent or subject to such taxes as a part of or in connection with his estate. The sum resulting from such addition shall then be deducted from an amount equal to the amount

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of the maximum credit allowable to the estate of the decedent by the Federal Estate Tax Law or laws for estate, inheritance, legacy or succession taxes paid to any State or territory or the District of Columbia. The remainder shall constitute and be the Delaware Estate Tax upon the estate of the decedent. In case of any estate where the amount to be deducted as aforesaid is equal to or greater than the aforesaid credit, allowed by Federal Estate Tax law or laws, then the said estate shall be exempt from the Delaware Estate Tax prescribed by this section.

(a) The administration and enforcement of the provisions of this section and the collection of the taxes imposed by this section are hereby vested in the State Tax Department and the State Tax Commissioner as created and defined in Chapter 8 of Volume 36, Laws of Delaware.

(b) The State Tax Department shall:

(1) Prepare all necessary forms and blanks required in the administration and enforcement of the provisions of this section and the collection of taxes imposed by this section.

(2) Pay daily to the State Treasurer, for the use of the State, all sums collected by the said State Tax Department, except such sums as are retained in accordance with the provisions of this section.

(3) The said State Tax Department shall be and hereby is authorized to retain out of the sums collected under this section such amounts as the said State Tax Department shall deem necessary to defray the expenses of administering and enforcing the duties prescribed by this section, until such time as appropriation therefor is provided by the General Assembly.

The said Delaware Estate Tax shall be due from every decedent's estate subject thereto within thirty days after the ascertainment of the amount of the inheritance tax prescribed in the preceding sections of this Chapter and the amount of the federal estate tax

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on such estate. From the due date, and until paid, said taxes shall bear interest at the rate of four per cent per annum.

It shall be the duty of the said State Tax Department to compute and ascertain the amount of the Delaware Estate Tax on the estate of such decedent as soon as it is practicable to do so, and said State Tax Department shall forthwith deliver to the State Treasurer a statement in writing showing the several facts upon which the Delaware Estate Tax on said decedent's estate was based and computed as aforesaid, and the amount of said Delaware Estate Tax on said decedent's estate. Such statement shall be preserved by the State Treasurer.

It shall be the duty of the executor or administrator of a decedent to pay to the State Tax Department the full amount of the said Delaware Estate Tax when the same is due as aforesaid out of any moneys belonging to such estate in his hands; the amount so paid to be for the use of the State of Delaware.

If there shall be insufficient moneys in his hands for the payment of the Delaware Estate Tax, the executor or administrator shall have the same powers and duties in respect to the raising of funds for the payment of said tax as in the case of raising funds for the payment of a decedent's debts generally.

If the Delaware Estate Tax or any part thereof be paid out of moneys arising from the sale of any property of the decedent, real or personal, which upon the death of the decedent passes to any particular person or to particular persons (or if to avoid such sale such person or persons voluntarily paid to the executor or administrator in money the amount of said tax or any part thereof) such person or persons shall be entitled to a just and equitable contribution by the persons receiving any other property of the decedent which was subject to equal or prior liability for the payment of said tax. The Orphans' Court of the County of the decedent's residence, or the Orphans' Court of the County where any real property of the decedent is situated shall have all power necessary to enforce contribution as aforesaid.

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"The State Tax Department receiving any tax under the provisions of this Act shall give the persons paying the same duplicate receipts therefor, one of which shall be forwarded by the person so paying as aforesaid, to the State Treasurer to be by him preserved and either of said duplicate receipts shall be evidence in suit upon the bond of said State Tax Commissioner to recover the tax so by him received.

"No final settlement of the accounts of any executor or administrator shall be accepted or allowed by any Register of Wills until such Register of Wills shall have ascertained that all taxes imposed under the provisions of this Act, with interest if any is due, have been paid and the certificate of the State Tax Department filed with the Register of Wills shall be proof of such payment."

Every executor or administrator, the estate of whose decedent is taxable for the Delaware Estate Tax, shall be personally liable for the payment thereof as aforesaid, and the faithful performance of his duties under this Section shall be deemed to come within the condition of his official bond. Any failure to perform his duties under this Section shall forfeit his right to all commissions for settling the estate of his decedent.

In case any executor or administrator shall fail to perform his duties under this Section, the State Tax Department shall without delay notify the State Treasurer of such failure.

It shall be the duty of the State Treasurer and the State Tax Department to communicate to the Attorney General any failure of any executor or administrator to perform his duties under this Section. The Attorney General shall thereupon take appropriate proceedings in the premises.

The provisions of this Section shall not apply to the case of any estate the federal estate tax on which was actually paid prior to April 29th, A. D. 1927.

When any amount has been erroneously paid as Delaware Estate Tax it shall be lawful for the State Treasurer, on satisfactory

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proof rendered to him of said erroneous payment, and upon the recommendation of the State Tax Department, to refund and pay to the executor, administrator or trustee, person or persons who have paid any such tax in error, the amount of such tax so paid, provided that all applications for the repayment of said tax shall be made within three years from the date of said payment.

Nothing in this Act shall be deemed to remit or relieve from the Delaware Estate Tax the estate of any person dying before the approval of this Act. Except where the Delaware Estate Tax was paid and discharged prior to the approval of this Act, the Delaware Estate Tax computed and ascertained under the provisions of 152A, Section 115A., of Chapter 6, of the Revised Code of Delaware 1915, as amended by this Act, shall be deemed and held to be imposed upon and collectible out of the estate of every person dying after the twenty-sixth day of February, 1926, and who at the time of his death was a resident of the State of Delaware, provided such estate was subject to federal estate tax.

The State Tax Department shall, immediately upon the approval of this Act, have jurisdiction of, and take into its control, for the purposes of further administration and final settlement, all taxes, taxable affairs, assessments, proceedings, suits, and matters now pending, and subject to existing laws of the State, which have heretofore been under the jurisdiction and control of the Registers of Wills of the several counties of the State; and said Registers of Wills are hereby directed to deliver to the State Tax Department, on demand, a full and complete itemized statement of the same. Any Register of Wills refusing or neglecting to make up and deliver such itemized statement within sixty days after demand therefor by the State Tax Department, shall be deemed guilty of a misdemeanor and upon conviction thereof by any Court of competent jurisdiction, shall be liable to a fine not exceeding One Thousand Dollars (\$1,000.00), or to imprisonment for a term not exceeding one year, or to both fine and imprisonment, in the discretion of the Court. Nothing herein contained shall be deemed to relieve the said Registers of Wills from liability under their respective bonds, for any responsibility that may have been heretofore incurred.

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Section 2. That all acts and parts of acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

Approved April 12, 1935.

CHAPTER 10

INHERITANCE TAX

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF DELAWARE 1915, AS AMENDED BY CHAPTER 8 OF VOLUME 37, LAWS OF DELAWARE, RELATING TO INHERITANCE TAX.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 6 of the Revised Code of Delaware 1915, as amended by Chapter 8 of Volume 37, Laws of Delaware, be and the same is hereby further amended, by striking out and repealing all of 148. Sec. 111., 149. Sec. 112., 150. Sec. 113., 151. Sec. 114., and 152. Sec. 115., and by inserting in lieu thereof the following new sections:

148. Sec. 111. Administration and Enforcement; Collection of Taxes; State Tax Department:

(a) The administration and enforcement of the provisions of this Act and the collection of the taxes imposed by this Act are hereby vested in the State Tax Department and the State Tax Commissioner as created and defined in Chapter 8 of Volume 36, Laws of Delaware.

(b) The State Tax Department shall:

(1) Prepare all necessary forms and blanks required in the administration and enforcement of the provisions of this Act and the collection of the taxes imposed by this Act.

(2) Pay daily to the State Treasurer, for the use of the State, all sums collected by the said Tax Department, except such sums as are retained in accordance with the provisions of this Act.

(3) The said State Tax Department shall be and hereby is authorized to retain out of the sums collected under this Act such

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amounts as it shall deem necessary to defray the expenses of administering and enforcing the duties prescribed by this Act, until such time as appropriation therefor is provided by the General Assembly.

149. Sec. 112. Valuation of Estate; Determination of Tax; Appeal:—The estate or interest of every person, body politic or corporate, in all real and personal property, taxable under the provisions of this Act, whether in remainder, reversion or otherwise, or in trust or otherwise, or conditioned upon the happening of a contingency or depending upon the exercise of a discretion, or subject to a power of appointment or otherwise, and all annuities taxable as aforesaid under the provisions of this Act, shall be valued by the State Tax Department, created by and existing under the provisions of Chapter 8 of Volume 36, Laws of Delaware, for the purpose of determining the amount of tax to be collected from such person, body politic or corporate under the provisions of this Act. When the property shall pass in trust or otherwise, to one or more persons, bodies politic or corporate, for a term of years or a greater estate or interest and with remainder or reversion to one or more other persons, bodies politic, or corporate, the estate or interest of each beneficiary shall be valued separately according to recognized tables of mortality.

In estimating the value of any estate or interest in property to the beneficial enjoyment or possession whereof there are persons or corporations presently entitled thereto, no allowance shall be made in respect to any contingent encumbrance thereon nor in respect to any contingency upon the happening of which the estate or property, or some part thereof, or interest therein might be abridged, defeated or diminished.

Estates or interests in expectancy which are contingent or defeasible shall be taxed at the rate which would obtain if such estate or interest fell into possession at the time of the determination of the tax.

Where any beneficiary has died or may hereafter die before receiving his or her share of the estate to which he or she is entitled.

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and taxes on said share have not been assessed and paid, then such share shall be taxed only once and the tax shall be assessed on the property received from such share by each beneficiary thereof as if there had been no intermediate beneficiary.

It shall be the duty of the Register of Wills of the several Counties of the State upon the request of the State Tax Commissioner, promptly to render whatever assistance the State Tax Department may request in connection with the valuation of any estate or interest taxable under the provisions of this Act, and in every case in which it is impossible to compute the present value of any interest in property subject to the tax imposed by this Act, the State Tax Department with the consent and approval of the State Tax Board, may effect such settlement of the tax as shall be deemed to be for the best interest of the State of Delaware and the payment of the sum so agreed upon shall be a full satisfaction of such tax.

The State Tax Department shall, within thirteen months after the death of the donor, grantor, deviser, or intestate, compute and determine all taxes assessable under this Act, provided, however, that in case an estate shall, before the expiration of said period become involved in litigation the determination of which may affect the computation of the tax imposed by this Act, the State Tax Department may suspend the computation and determination of taxes assessable under this Act on the disputed items, until the conclusion of the litigation. Immediately upon the determination of all taxes assessable under this Act, the State Tax Department shall give notice to the parties in interest, or to their attorneys of record, by posting the same in its office and by registered mail. Within thirty days after the tax has been determined, any person aggrieved by the determination may apply to the State Tax Board, said State Tax Board may make such corrections of the taxes as it may determine proper. The said State Tax Board and the State Tax Commissioner shall have power to hold hearings, summon witnesses and take testimony relative thereto.

In all cases arising under this Act the Executor, Administrator or Taxable, shall have the right to appeal to the State Tax Board

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from the decisions or rulings of the State Tax Commissioner. The State Tax Board may affirm, modify, or reverse such decisions or rulings of the State Tax Commissioner. Hearings may be informal but a record shall be made of the decisions reached. If the informal hearings shall prove unsatisfactory to the complainant, or to the State Tax Commissioner, said complainant or the State Tax Commissioner may, within 30 days ask for a formal hearing for the completion of the record and may, within 30 days after notice of a decision upon such formal hearing, appeal to the Superior Court from the determination of the State Tax Board as to the amount of taxes to be paid under the provisions of this Act. The Superior Court for the several Counties of the State is hereby vested with jurisdiction to hear and determine all such appeals from the determination of the State Tax Board and may by proper rulings prescribe the procedure to be followed in such appeals. Every such appeal shall be determined by the court without the aid of a jury. In any such appeal the court shall determine what part of the costs shall be paid by the State and what part shall be paid by the executor, administrator or taxable as to it may appear just and equitable. It shall be the duty of the State Tax Commissioner to notify the Attorney General whenever such appeal shall be taken by the executor, administrator or taxable and it shall be the duty of the Attorney General, or one of his deputies, to represent the State in the hearings on the appeal.

In determining the value of any estate or interest taxable under the provisions of this Act, the State Tax Department shall make no deduction therefrom nor reduction thereof by reason or on account of the payment (or liability for payment) of any Delaware inheritance, legacy or succession tax, or of any Delaware estate tax, or of any estate, inheritance, legacy or succession tax of the United States or of any State or jurisdiction outside of the State of Delaware.

The Register of Wills referred to in this Act shall be the Register of Wills of the County where letters testamentary or of administration have been granted on the estate of the donor, grantor, deviser or intestate from whom the property aforesaid, shall have

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passed as set forth in Section 109 of this Act; but if no such letters have been granted, then the said Register shall be the Register of Wills of the County in which such property is or is situated.

150. Sec. 113. Collection and Payment of Taxes; Inventory of Goods and Chattels; List of Debts and Credits; Description of Real Estate; Receipt for Taxes; Refund of Taxes Erroneously Paid:—All taxes imposed by this Act shall be due and payable within thirty days after the amount of tax has been finally determined in accordance with the provisions of this Act and every such tax shall be and remain a lien upon the property subject to the tax until paid. From the due date, and until paid, said taxes shall bear interest at the rate of four per cent per annum.

Any administrator, executor or trustee having in charge or trust any legacies or property for distribution subject to the said tax shall deduct the tax therefrom, or if the legacy or property be not money he shall collect a tax thereon upon the appraised value thereof from the legatee or person entitled to such property, and he shall not deliver or be compelled to deliver any specific legacy or property subject to tax to any person until he shall have collected the tax thereon; and whenever any such legacy shall be charged upon or payable out of real estate, the heir, or devisee, before paying the same, shall deduct said tax therefrom and pay the same to the executor, administrator or trustee, and the same shall remain a charge on such real estate until paid, and the payment thereof shall be enforced by the executor, administrator or trustee in the same manner that the said payment of said legacies might be enforced; if, however, such legacy be given in money to any person for a limited period, the executor, administrator or trustee shall retain the tax upon the whole amount, but if it be not in money he shall make application to the State Tax Department to make an apportionment if the case required is of the sum to be paid into his hands by such legatees and for such further order relative thereto as the case may require. Where a tax is imposed on an estate for life or for a term of years, or to terminate on the expiration of a certain period, and on any remainder or reversionary interest or interests, the tax on such estate or interest as between the executor, trustee, tenant for

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life or for years, remainderman or reversioner and other beneficiaries, shall be charged to the corpus of the property in which such estate or estates exist, unless otherwise provided for by the testator or transferor, and shall be payable at once in the same manner and within the same time as if the estate or interest had vested in possession.

All executors, administrators and trustees shall be personally liable for the payment of taxes and where proceedings for collection of taxes assessed be had, said executors, administrators and trustees shall be personally liable for the expenses, costs and fees of collection. They shall have full power to sell so much of the property of the decedent as will enable them to pay said tax in the same manner as they may be enabled to do by law, for the payment of debts of their testators and intestates.

All taxes collected by any executor or administrator as aforesaid shall be forthwith paid over to the State Tax Department.

It shall be the duty of every executor or administrator within three months after the granting of letters testamentary, or of administration, to file in the office of the Register of Wills of the County in which said letters have been granted, and also with the State Tax Commissioner, an inventory of all goods and chattels, a list of all debts and credits, and a Statement in writing setting forth a general description of every parcel of real estate in this State of which the decedent died seized, and the name of each party entitled to any estate or interest in any parcel of said real estate, and relationship, if any, of said party, to the decedent. Such Inventory and List and Statement shall be supported by the oath or affirmation of said executor or administrator that the facts therein contained are true according to his best information and belief. Every such Inventory, List and Statement shall be recorded by the Register of Wills in a separate book to be kept by him for that purpose which shall be known as the "Inheritance and Succession Docket," and which shall be duly indexed. Whenever any parcel of real estate or any estate or interest therein described in the statement of the executor or administrator aforesaid, shall be subject

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to tax under the provisions of this Act, the Register of Wills shall make an entry in the docket aforesaid that said real estate is subject to tax and in the event of an appeal to the Superior Court as aforesaid, shall further note in said docket the fact of said appeal. When any tax as aforesaid shall be paid and discharged, the said Register shall make a note thereof in the said docket, upon notice from the State Tax Department of said payment.

It shall be the duty of the State Tax Department from time to time to examine every such docket as aforesaid, and to notify the Attorney General of any failure on the part of any Register of Wills or of any executor or administrator to perform the duties imposed upon them by this Act. The Attorney General shall in case of such failure take proper proceedings against the party or parties delinquent.

The Register of Wills on the first day of each month shall, without fee, send to the State Tax Department on forms furnished by the said State Tax Department, a list of wills probated and administrators appointed together with the name of the deceased and on request from the State Tax Department shall furnish such other information as may be of record in said Register's office concerning such estate.

If for any cause there should be no executor or administrator to receive the tax imposed under the provisions of this Act the party liable for said tax shall have the right to pay the same direct to the State Tax Department and such payment shall operate as a discharge of said tax.

If, upon the decease of a person leaving an estate passing in whole or in part to legatees or heirs liable to the taxes imposed by this Act, a will disposing of such estate is not offered for probate within three months, and application for administrations is not made within three months from the date of such decease, the State Tax Department may apply to the Register of Wills for the appointment of an administrator of such estate.

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The State Tax Department receiving any tax under the provisions of this Act shall give the person paying the same duplicate receipts therefor, one of which shall be forwarded by the person so paying as aforesaid to the State Treasurer, to be by him preserved, and either of said duplicate receipts shall be evidence in suits upon the bond of said State Tax Commissioner to recover the tax so by him received.

When any amount of tax imposed under this Act shall have been paid erroneously it shall be lawful for the State Treasurer, on satisfactory proof rendered to him of said erroneous payment, and upon the recommendation of the State Tax Department, to refund and pay to the executor, administrator or trustee, person or persons who have paid any such tax in error, the amount of such tax so paid, provided that all applications for the repayment of said tax shall be made within one year from the date of said payment.

It shall be the duty of the Attorney General to give counsel, advice and legal assistance to the Tax Department and to assist in the prosecution of violations of this Act when such counsel, advice or assistance is requested by the Tax Department. The additional Deputy Attorney General, authorized to be appointed and appointed by the Attorney General, in accordance with Section 22 of Chapter 8 of Volume 36, Laws of Delaware, in addition to his duties in connection therewith, shall also render advice and assistance to the Tax Department in carrying out and enforcing the provisions of this Act when called upon by the said Department, and shall receive, as additional compensation for his services to the said Department in connection with this Act, a salary of Two Thousand Dollars (\$2000.00) per annum payable monthly from the expense fund or appropriation mentioned in paragraph (5) of 148. Sec. 111. of Section 1 of this Act, which salary shall be in addition to his compensation for services to said Department as provided by Section 22 of Chapter 8 of Volume 36, Laws of Delaware.

151. Sec. 114. Liability on Executor's or Administrator's Bond:—The bond of an executor or administrator shall be liable for all money he may receive for taxes, or for the proceeds of the

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sale of any estate or interest received by him under this Act, and if any executor or administrator shall fail to perform any of the duties imposed upon him under the provisions of this Act, the Register of Wills granting the letters of administration shall, upon request of the State Tax Department, revoke the same, and his bond shall be liable, and the same proceedings shall be had as if his administration had been revoked for other cause. The powers and duties of an administrator de bonis non or de bonis non with the will annexed, shall be the same under this Act as an executor or administrator, and he shall be subject to the same liabilities. No final settlement of the account of any executor or administrator shall be accepted or allowed by any Register of Wills until such Register of Wills shall have ascertained that all taxes imposed under the provisions of this Act with interest, if any is due, have been paid; and a certificate of the State Tax Department filed with the Register of Wills shall be proof of such payment.

152. Sec. 115. Return of Tax Collected; Payment to State Treasurer; Liability Upon Bond; Removal From Office, When:— It shall be the duty of the State Tax Department to make return daily to the State Treasurer of all sums of money received by said State Tax Department under the provisions of this Act, except such sums as are retained in accordance with the provisions of this Act, and to pay over to said State Treasurer, for the use of the State, the amounts so by said Tax Department received, at the time of making such returns.

The official bond of every Register of Wills of this State, shall be deemed and held to embrace and include the faithful performance by such Register, of all and every the duties imposed upon such Register by this Act; and the official bond of the State Tax Commissioner shall be deemed and held to embrace and include the faithful performance by the said State Tax Commissioner of all and every the duties imposed by this Act.

The failure or neglect of any officer of the State, whose duty it shall be to administer the provisions of this Act, faithfully to execute the provisions hereof, is hereby declared to be, a misfeas-

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ance in office and, upon conviction thereof in any court of competent jurisdiction, such officer shall be deemed to have forfeited his office.

152 A. Sec. 115 A. Savings Clauses; Repeals; Retroactive Provisions; Unconstitutionality or Invalidity:—148 Sec. 111 to 152, Sec. 115, of Chapter 6 of the Revised Code of Delaware 1915, both inclusive, as amended by Chapter 7 of Volume 29, Laws of Delaware, as amended by Chapter 7 of Volume 35, Laws of Delaware, as amended by Chapter 8 of Volume 37, Laws of Delaware, shall be and continue in full force and effect as to all taxes, assessments, proceedings, suits and matters arising out of or in connection with estates and interests taxable thereunder, and shall so continue until such time as all of said taxes, assessments, proceedings, suits or matters shall have been finally determined, collected, and disposed of, at which time said 148. Section 111 to 152, Sec. 115, both inclusive, as amended, shall be repealed; provided, that the State Tax Department shall, immediately upon the approval of this Act, have jurisdiction of, and take into its control, for the purposes of further administration and final settlement, all taxes, taxable affairs, assessments, proceedings, suits, and matters now pending, and subject to existing laws of the State, which have heretofore been under the jurisdiction and control of the Registers of Wills of the several counties of the State; and said Registers of Wills are hereby directed to deliver to the State Tax Department, on demand, a full and complete itemized statement of the same. Any Register of Wills refusing or neglecting to make up and deliver such itemized statement within sixty days after demand therefor by the State Tax Department, shall be deemed guilty of a misdemeanor and upon conviction thereof by any Court of competent jurisdiction, shall be liable to a fine not exceeding One Thousand Dollars (\$1,000.00), or to imprisonment, for a term not exceeding one year, or to both fine and imprisonment in the discretion of the Court. Nothing herein contained shall be deemed to relieve the said Registers of Wills from liability under the respective bonds, for any responsibility that may have been heretofore incurred.

All acts or parts of acts inconsistent with the provisions of this Act shall be and the same are hereby repealed.

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The exemption provided in this Act shall be deemed to be retroactive so far as concerns the property and estates and interest therein, of decedents dying after the sixth day of May, A. D. 1929, except where the inheritance, transfer or succession taxes thereon were paid and discharged prior to the approval of this Act.

If any clause, sentence, paragraph or part of this Act shall, for any reason, be adjudged by any Court of competent jurisdiction, to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

No caption of any SECTION or set of SECTIONS of this Act shall in any way affect the interpretations of this Act, or any part thereof.

Approved April 12, 1935.

CHAPTER 11

INCOME TAX

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE REVENUE FOR SCHOOL PURPOSES," BEING CHAPTER 8, VOLUME 36, LAWS OF DELAWARE, AS AMENDED.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 1 of Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by striking out paragraph (b) (4) and inserting in lieu thereof the following:

Section 1 (b) (4):—A Fiduciary, including a receiver, guardian, trustee, agent or representative of the taxable or the executor or the administrator of the estate of a decedent.

Section 1 (b) (5):—Any officer or employee of the State of Delaware or any political subdivision of Delaware.

Section 2. That Section 1 of Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by striking out paragraph (d) and inserting in lieu thereof the following:

Section 1 (d):—The phrase "net income" means gains or profits and income derived and actually received into possession of, or credited subject to withdrawal by, a taxable from any source whatever, and shall include the aggregate of all gains, capital gains, profits, salaries (including salaries or emoluments of State officers), wages and compensation for personal services of whatever kind and in whatever form paid (including bonuses, honorariums and fees);

Dividends and interest derived from maturity or cancellation of shares in Building and Loan Associations, and endowment contracts:

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Income derived from professions, vocations, business, trade, commerce, sales, exchange or other disposition of or dealings in real or personal property growing out of the ownership or use of or interest in such property or otherwise;

Income derived from interest, dividends, securities or the transaction of any business carried on for gain or profit;

The share of the profits of any taxable in an unincorporated association of persons, syndicate, joint venture or co-partnership whether such profits have been divided or otherwise;

All amounts recovered during the income year from bad debts, overpayment of taxes, or capital losses that have been deducted from income in any return of income to this State;

Less the aggregate of the exemptions provided for in Section 3 (a), paragraphs 1 to 11, inclusive, and of the deductions provided for in Section 4.

Section 3. That Section 1 of Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by striking out paragraphs (g) and (h) and inserting in lieu thereof the following:

Section 1 (g):—(1) "Capital assets" means property held by the taxable whether or not connected with his trade or business, but does not include stock in trade of the taxable or other property of a kind which would properly be included in the inventory of the taxable, if on hand at the close of the taxable year, or property held by the taxable primarily for sale to customers in the ordinary course of his trade or business.

(2) For the purposes of this Act, stock in trade shall not include stocks, bonds, or other securities.

Section 1 (h):—(1) "Capital gains or losses" means gains or losses resulting from the sale, exchange or other disposition

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other than by gift, donation, devise, or inheritance, of capital assets including real or personal property, stocks, bonds, notes or securities.

(2) Capital losses shall include all debts ascertained to be worthless during the income year, excepting accounts or bills receivable arising from professional fees, salaries or wages or from sales of merchandise or stock in trade appertaining to the business of the taxable, as provided for in Section 4, paragraph (9).

Section 1 (i):—The "Basis for determining the capital gain or loss" resulting from the sale, exchange or disposition other than by gift, donation, devise or inheritance, of capital assets including real or personal property, stocks, bonds, notes, or securities acquired before January 1, 1920, shall be as provided for in Section 7.

Section 4. That Section 2 of Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by adding the following paragraphs:

Section 2 (h):—In the case of the death of a taxpayer, there shall be included in computing net income for the taxable period in which falls the date of his death, amounts accrued up to the date of death, if not otherwise properly includible in respect of such period or a prior period.

Section 2 (i):—The net income shall be computed upon the basis of the taxable's annual accounting period, fiscal year or calendar year as the case may be, in accordance with the method of accounting regularly employed in keeping the books of such taxable; but if no such method of accounting has been so employed, or if the method employed does not clearly reflect the income the computation shall be made in accordance with such method as in the opinion of the Commissioner does clearly reflect the income.

If the taxable's annual accounting period is other than a fiscal year, or if the taxable has no annual accounting period or does not keep books, the net income shall be computed on the basis of the calendar year.

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Section 2 (j):—Whenever in the opinion of the Commissioner the use of inventories is necessary in order clearly to determine the income of any taxable, inventories shall be taken by such taxpayer upon such basis as the Commissioner shall prescribe, and conforming as nearly as may be to the best accounting practice in the trade or business, and as most clearly reflecting the income.

Section 5. That Section 3 of Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by inserting after paragraph (a) (10) thereof the following:

Section 3 (a) (11):—Amounts received, through accident or health insurance as compensation for personal injuries or sickness, and the amount of any damages received whether by suit or agreement on account of personal injuries or sickness.

Section 6. That Section 4 of Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by striking out Section 4 and inserting in lieu thereof the following:

Section 4. In computing net income, the following deductions shall be allowed:

(1) The ordinary and necessary expenses actually paid by or incurred by the taxable in carrying on any business or trade, not including expenses incurred pertaining to income exempt under this Act and not including personal, living or family expenses, and not including transportation costs between residence and usual place of business.

(2) Interest paid or accrued by the taxable within the income year on his indebtedness, except interest on indebtedness incurred or continued to purchase or carry securities, the interest on which is exempt from tax under this Act.

(3) Taxes imposed upon and accrued or paid by the taxable within the income year except taxes imposed by this Act and taxes

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assessed for local benefits of a kind tending to increase the value of the property assessed.

(4) A reasonable allowance for the exhaustion, wear and tear, obsolescence and depletion of property, arising out of its use or employment in the trade or business of the taxable, but not including such allowance on the residence of the taxable.

(5) Contributions or donations to the State of Delaware or to any political subdivision thereof or to any institution supported in whole or in part by the State or any contribution or donation, for use in the State of Delaware only, to a corporation, or church, or community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, that where such contribution or donation is made other than in cash, the fair market value of the property at the date contributed or donated shall be the basis for deduction; and further provided, that contributions or donations shall not exceed fifteen per centum of the taxpayer's net income, as computed without the benefit of this paragraph.

(6) Losses sustained during the income year if incurred in the operation of a trade, or business; provided, however, that any losses sustained in the sale, exchange or other disposition of capital assets, including stocks, bonds, or other securities, shall be allowed only to the extent of gains from such transactions.

(7) Losses sustained during the income year in the operation of farms or in other agricultural, horticultural, dairy or poultry pursuits or in the raising or preparation of animals, birds, poultry, vegetables, fruit, fish or seafood for the market. Depreciation of buildings or other property used in such operations may be included in losses incurred but no personal or household expenses of the owner or manager of the operation or of his family shall be included in such losses.

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(8) Losses sustained during the income year through destruction of property by fire, flood, lightning, storm or collision, and losses caused by other casualty or by theft, provided that such losses are not compensated for by insurance or otherwise. Proper adjustment shall be made for exhaustion, wear and tear, obsolescence and depletion which have since the acquisition of the property been allowed as a deduction under this Act or under prior Acts

In the case of property not used in trade or business, proper adjustment shall be made for exhaustion, wear and tear, obsolescence and depletion which have been sustained since the acquisition of the property.

(9) Debts ascertained during the income year to be worthless and represented by accounts or bills receivable arising from professional fees, salaries, wages or from sale of merchandise or stock in trade appertaining to the business of the taxable, provided that such accounts or bills receivable have previously and while uncollected been included as income in an income tax return to this State.

(10) Debts ascertained to be worthless within the income year represented by accounts or bills receivable that have not previously and while uncollected been included in gross income, in an income tax return to this State, but such debts shall be deductible as capital losses only and to the extent that capital losses are deductible as provided in paragraph (11) hereof. This provision shall not apply if the income from a business, trade or profession is reported on the basis of cash receipts and disbursements, in which case such debt shall not be deductible.

(11) Losses sustained during the income year through endorsement or guaranty of notes or obligations of any kind or through liability on subscription to stocks, bonds and notes or through contingent liability, but such losses shall be deductible as capital losses only and to the extent that capital losses are deductible as provided in paragraph (13) hereof.

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(12) Losses from wagering transactions shall be allowed only to the extent of the gains from such transactions.

(13) Capital losses as defined in Section 1, paragraph (h), accrued after January 1, 1920, and that have been realized during the income year, but such losses shall be deductible from capital gains and to the extent thereof only.

(14) In the case of the death of a taxpayer, there shall be allowed as deductions and credits for the taxable period in which falls the date of his death, amounts accrued up to the date of death if not otherwise properly allowable in respect of such period or a prior period.

Section 7. That Section 5, Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by adding the following paragraphs (f) and (g):

Section 5 (f):—Where any part of the income of a trust: (a) is, or in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income may be, applied to the payments of premiums upon policies of insurance on the life of the grantor except policies of insurance irrevocably payable for the purposes and in the manner specified in Section 4, paragraph (5), then such part of the income of the trust shall be included in computing the net income of the grantor.

Section 5 (g):—As used in this Section, the term "in the discretion of the grantor" means in the discretion of the grantor, either alone or in conjunction with any person not having a substantial adverse interest in the disposition of the part of the income in question.

Section 8. That Section 7, Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by striking out paragraphs (a) and (b) (1) and inserting in lieu thereof the following:

Section 7 (a):—Except as hereinafter provided in this Section, the gain derived from the sale, exchange or other disposition of

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capital assets including property, real or personal, shall be the excess of the amount realized therefrom over the basis determined in accordance with the provisions of this Section, and the loss sustained shall be the excess of such basis over the amount realized. As used in this Section: the term "amount realized" means the sum of any money plus the fair market value of the property, other than money, received from the sale, exchange or other disposition of property.

Section 7 (b) (1):—In the case of such property acquired by gift: the basis shall be the same as that which it would be in the hands of the donor or the last preceding owner by whom it was not acquired by gift, except that for the purpose of determining loss the basis shall be the basis so determined, or the fair market value of the property at the time of the gift, whichever is lower. If the necessary facts are unknown to the donee, the Commissioner shall obtain such facts from the donor, or from any other person cognizant thereof. If the Commissioner finds it impossible to obtain such facts, the basis shall be the fair market value of the property as found by the Commissioner as of the date or approximate date at which, according to the best information the Commissioner is able to obtain, the property was acquired by the donor or last preceding owner.

Section 9. That Section 7, Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by striking out paragraph (c), and inserting in lieu thereof the following:

Section 7 (c). The basis for ascertaining the gain derived or loss sustained from the sale, exchange or other disposition of capital assets, including property, real or personal, acquired prior to January 1, 1920, shall be (1) the same as it would be if determined in accordance with the provisions of sub-division (b), or (2) the fair market value of such property as of January 1, 1920, whichever is higher, provided that in ascertaining the deductible loss under this paragraph, the loss to be deducted shall in no case exceed the actual loss sustained based upon the difference between amount received and the cost of such property.

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Section 10. That Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by inserting after Section 7, paragraph (d) (II) and before Section 7, paragraph (e) thereof, the following:

Section 7 (d) (III). In the case of property not used in trade or business, proper adjustment shall be made for exhaustion, wear and tear, obsolescence and depletion which have been sustained since the acquisition of the property.

Section 11. That Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by inserting after Section 7 (g) (2) and before Section 7 (h) thereof, the following:

Section 7 (g) (3). In the case of stock carried on margin in a broker's account, sales shall be deemed to be made from the earliest purchase of such stock and stock dividends shall be deemed to have been received on such earliest purchases.

In the application of this Section to sales of stock purchased and held in marginal accounts, identification shall be deemed made where the taxpayer, prior to a sale, causes the broker to transfer from the account from which the sale is to be made, to another account, all shares of the same kind of stock as those he intends to sell, but which were acquired prior to the acquisition of the shares which the taxpayer intends to identify as those to be sold.

Section 7 (g) (4). Commissions paid in purchase of securities are part of the cost price of said securities.

Commissions paid in selling securities are a deduction from the selling price.

Dividends charged or paid in the case of short sales of securities are a part of the cost of the transaction.

Section 12. That Section 7, Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by strik-

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ing out paragraph (h) (5), and inserting in lieu thereof the following:

Section 7 (h) (5). If property is transferred to a corporation by one or more persons solely in exchange for stock or securities in such corporation, and immediately after the exchange such person or persons are in control of the corporation; but in the case of an exchange by two or more persons this paragraph shall apply only if the amount of the stock and securities received by each is substantially in proportion to his interest in the property prior to the exchange.

As used in this Section the term "reorganization" means (a) merger or consolidation, including the acquisition by one corporation of at least eighty (80) per centum of the voting stock and at least eighty (80) per centum of the total number of shares of all other classes of stock of another corporation, or substantially all the property of another corporation, or (b) a transfer by a corporation of all or part of its assets to another corporation if immediately after the transfer the transferor or its stockholders, or both, are in control of the corporation to which the assets are transferred, or (c) a recapitalization, or (d) a mere change in identity, form, or place of organization, however effected.

As used in this Section: the term "control" means the ownership of at least eighty (80) per centum of the voting stock and at least eighty (80) per centum of the total number of shares of all other classes of stock of the corporation.

Section 13. That Section 12, Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by striking out paragraph (i) and inserting in lieu thereof the following:

Section 12 (i). Report monthly to the Tax Board the amount of all refunds, abatements and credits resulting from overpayments made with the names of the taxables concerned and the date when

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such adjustments were authorized. Such report shall be spread in the Minutes of the Board.

Section 14. That Section 13, Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by striking out paragraphs (e) and (f), and inserting in lieu thereof the following:

Section 13 (e). All persons, fiduciaries, association of persons, syndicates, joint ventures, co-partnerships or corporations in whatever capacity acting, including lessees or mortgagors of real or personal property, and employers, making payments to another person of interest, dividends, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed and determinable gains, profits, and incomes, of \$1,000 or more in any taxable year, shall render a true and accurate return to the Tax Department, under such regulations and in such form and manner and to such extent as may be prescribed by the Tax Department, setting forth the amount of any and all such payments made to the taxable of the State of Delaware and the names and addresses of the recipients of such payments. The provisions of this paragraph shall apply to officers or employees of the State of Delaware or of any political subdivision or any municipal corporation therein. Returns may be required regardless of amounts, in the case of payments of any fixed or determinable income.

Section 13 (f). Every person or partnership doing business in the State of Delaware as a stock broker shall, when specially required by the Tax Commissioner render a correct return duly verified under oath, showing the name of customers who are citizens or residents of the State of Delaware for whom such person or partnership has transacted any business, with such details as to the profits, losses or other information which the Tax Commissioner may require for each of such customers, as will enable the Tax Commissioner to determine whether all income tax due on profits or gain of such customers has been paid.

Section 13 (g). Every taxable is required to keep such specific records, including inventories, as are necessary to establish the

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ing out paragraph (h) (5), and inserting in lieu thereof the following:

Section 7 (h) (5). If property is transferred to a corporation by one or more persons solely in exchange for stock or securities in such corporation, and immediately after the exchange such person or persons are in control of the corporation; but in the case of an exchange by two or more persons this paragraph shall apply only if the amount of the stock and securities received by each is substantially in proportion to his interest in the property prior to the exchange.

As used in this Section the term "reorganization" means (a) merger or consolidation, including the acquisition by one corporation of at least eighty (80) per centum of the voting stock and at least eighty (80) per centum of the total number of shares of all other classes of stock of another corporation, or substantially all the property of another corporation, or (b) a transfer by a corporation of all or part of its assets to another corporation if immediately after the transfer the transferor or its stockholders, or both, are in control of the corporation to which the assets are transferred, or (c) a recapitalization, or (d) a mere change in identity, form, or place of organization, however effected.

As used in this Section: the term "control" means the ownership of at least eighty (80) per centum of the voting stock and at least eighty (80) per centum of the total number of shares of all other classes of stock of the corporation.

Section 13. That Section 12, Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by striking out paragraph (i) and inserting in lieu thereof the following:

Section 12 (i). Report monthly to the Tax Board the amount of all refunds, abatements and credits resulting from overpayments made with the names of the taxables concerned and the date when

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such adjustments were authorized. Such report shall be spread in the Minutes of the Board.

Section 14. That Section 13, Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by striking out paragraphs (e) and (f), and inserting in lieu thereof the following:

Section 13 (e). All persons, fiduciaries, association of persons, syndicates, joint ventures, co-partnerships or corporations in whatever capacity acting, including lessees or mortgagors of real or personal property, and employers, making payments to another person of interest, dividends, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed and determinable gains, profits, and incomes, of \$1,000 or more in any taxable year, shall render a true and accurate return to the Tax Department, under such regulations and in such form and manner and to such extent as may be prescribed by the Tax Department, setting forth the amount of any and all such payments made to the taxable of the State of Delaware and the names and addresses of the recipients of such payments. The provisions of this paragraph shall apply to officers or employees of the State of Delaware or of any political subdivision or any municipal corporation therein. Returns may be required regardless of amounts, in the case of payments of any fixed or determinable income.

Section 13 (f). Every person or partnership doing business in the State of Delaware as a stock broker shall, when specially required by the Tax Commissioner render a correct return duly verified under oath, showing the name of customers who are citizens or residents of the State of Delaware for whom such person or partnership has transacted any business, with such details as to the profits, losses or other information which the Tax Commissioner may require for each of such customers, as will enable the Tax Commissioner to determine whether all income tax due on profits or gain of such customers has been paid.

Section 13 (g). Every taxable is required to keep such specific records, including inventories, as are necessary to establish the

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amount of his gross income and the deductions and other information, for the purpose of determining the amount of income which may be subject to tax.

Section 15. That Section 15, Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by striking out all of paragraph (e) and inserting in lieu thereof the following:

Section 15 (e). If the time for filing the return shall be extended, interest at the rate of four per centum per annum, from the time when the return was originally required to be filed, to the date of payment, shall be added and paid.

Section 16. That Section 16, Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by striking out paragraph (c) and inserting in lieu thereof the following:

Section 16 (c). If the amount of tax found due shall be less than the amount theretofore paid, either as a result of examination of the return by the Tax Department or by the allowance of a claim for overassessment filed by the taxable, the excess shall be refunded by the Tax Department out of the repayment fund retained by it as provided in this Act.

Interest shall be allowed the taxable at the rate of one-third per cent per month or fraction of a month, from the time the payment was made if tax was paid in full, to the date of the refund.

If the tax was paid in installments interest shall be allowed at the rate of one-third per cent per month or fraction of a month, from the time of the most recent payments to the extent of the overpayment.

No refund of or abatement, or credit of excess payment shall be made until the same has been approved by the Tax Board or a majority thereof either at a recorded meeting or in writing.

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Section 17. That Section 19, Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by striking out paragraph (a) and inserting in lieu thereof the following:

Section 19 (a). A taxable may apply to the State Tax Commissioner, State Tax Board, and the Superior Court, in the order named, as hereinbefore provided, for refund of the taxes imposed by this Act alleged to have been erroneously or illegally assessed or collected or of any interest or penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected from said taxable at any time within two years from the date such return was originally required to be filed or thirty days from the date of payment of any additional tax.

The Tax Board shall grant a hearing thereon and if it shall determine that the tax, interest or penalties, are excessive or incorrect, it shall resettle the same according to the law and the facts and adjust the computation of tax, interest or penalties accordingly. The Tax Department shall notify the taxable of such determination and shall refund to the taxable the amount paid in excess of taxes, interest and penalties found by it to be due.

Section 18. That Section 20, Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by striking out the following words where they appear in paragraphs (a) (b) (c) (d) (i) and (j) "one-half of one per centum" and inserting in lieu thereof the following words: one-third of one per centum.

Section 19. That Section 20, Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by striking out paragraph (k) and inserting in lieu thereof the following:

Section 20 (k). The interest provided for in this Section shall in all cases be computed from the time when the return was originally required to be filed to the date of payment.

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Section 20. That Section 21, Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by striking out paragraph (b), and inserting in lieu thereof the following:

Section 21 (b). The Tax Board and the officers and employees of the Tax Department shall be entitled to receive from the State their actual and necessary expenses while engaged in the performance of their duties. Each member of the Tax Board shall receive compensation at the rate of Two Hundred Dollars (\$200.00) per annum. All expense accounts shall be made in detail and shall be approved by the Tax Commissioner. The total shall in no case exceed the sums appropriated therefor.

Section 21. That Section 27, Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by inserting the following paragraph:

Notwithstanding the provisions of this Section, the Tax Commissioner may permit the Commissioner of Internal Revenue of the United States or the proper officer of any State imposing an income tax upon the incomes of individuals, or the authorized representative of either of such officers, to inspect the income tax return of any individual or may furnish to such officer or his authorized representative an abstract of the return of income of any individual or supply him with information contained in any return; or disclosed by the report of any investigation of the income or return of income of any individual; but such permission shall be granted or such information furnished to such officer or his representative only if the statutes of the United States or of such other States, as the case may be, grant substantially similar privileges to the proper officer of this State charged with the administration of the income tax law thereof.

Section 22. That Chapter 8, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended by adding the following:

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Section 29. Chapter 8, of Volume 36, as amended, by Chapter 9, Volume 37, of the Laws of Delaware, shall be continued in full force and effect as to all taxes, assessments, proceedings, suits and matters arising out of or in connection with returns required to be made for the year 1934, and all prior years, and shall so continue until such time as all of said taxes, assessments, proceedings, suits and matters shall have been finally collected, determined or disposed of.

Chapter 8, of Volume 36, Laws of Delaware, as amended by Chapter 9, Volume 37 and by this Act shall, except as otherwise provided, become effective for taxes to be assessed as provided by law on net incomes for the year 1935, and each succeeding year, due in the year 1936 and thereafter.

All acts or parts of acts inconsistent with this act are hereby repealed to the extent of such inconsistency only.

Approved April 24, 1935.

CHAPTER 12

NEW CASTLE COUNTY INCOME TAX

AN ACT TO PROVIDE REVENUE FOR THE RELIEF OF CERTAIN POOR, RESIDENT IN NEW CASTLE COUNTY AND FOR THE PAYMENT TO THE LEVY COURT OF NEW CASTLE COUNTY OF MONEYS ADVANCED BY THE SAID LEVY COURT SUBSEQUENT TO JANUARY FIRST, 1935, FOR THE SUPPORT OF SAID POOR.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

ARTICLE I

Persons Taxable

Section 1. As used in this article, the following words and phrases are defined as follows:

(a) The phrase "Income Tax" means the tax imposed by Section 2 hereof.

(b) The word "Taxable" means:

(1) A natural person twenty-one years of age or over who is a citizen or resident of New Castle County, or who has been a citizen or resident of said New Castle County at any time during the income year.

(2) A minor with a net income of one hundred dollars or more who is a citizen or resident of the said New Castle County, or who has been a citizen or resident of said New Castle County at any time during the income year.

(3) A minor citizen or resident of said New Castle County who has attained the age of 21 years during the income year.

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(4) A fiduciary, including a guardian, trustee, agent or representative of a taxable or the executor or the administrator of the estate of the decedent.

Definitions

(c) The words "Income Year" mean the calendar year or the fiscal year on the basis of which the income is computed under this Act.

(d) The phrase "Net Income" means gains or profits and income derived and actually received into possession of, or credited subject to withdrawal by, a taxable from any source whatever, and shall include the aggregate of all gains, capital gains, profits, salaries, wages and compensation for personal service of whatever kind and in whatever form paid, including bonus, honorariums and fees; income derived from professions, vocations, business, trade commerce, sales, exchange or other disposition of or dealings in real or personal property growing out of the ownership or use of or interest in such property or otherwise; income derived from interest, dividends, securities or the transaction of any business carried on for gain or profit; the share of the profits of any taxable in an unincorporated association of persons, syndicate, joint venture or co-partnership whether such profits have been divided or otherwise; and all amounts recovered during the income year from bad debts or capital losses that have been deducted from income in any return of income under this Act, less the aggregate of the exemptions provided for in Section 3 (a), paragraphs 1 to 11 inclusive and of the deductions provided for in Section 4.

(e) The word "Dividends" means any distribution made by a corporation, joint stock company or association out of its earnings or profits paid to or subject to withdrawal by its shareholders during the income year, whether in cash or property, but does not mean a distribution of earnings or profits accrued prior to January 1, 1920, or a distribution of capital stock of the corporation, joint stock company or association making the distribution. Every distribution shall be deemed to be made out of earnings or profits to the extent thereof, and from the most recently accumulated earnings or profits.

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(f) Net income shall be accounted "actually received into possession" when cash, check, script certificate or other evidence of ownership has been received by the owner or by his agent, or representative or by a fiduciary.

Net income shall be accounted "credited subject to withdrawal", when the taxable credited, or his agent, representative or a fiduciary has the right or option to make withdrawal.

(g) "Capital gains or losses" mean gains or losses resulting from the sale, exchange or disposition, other than by gift, donation, devise or inheritance, of real or personal property, stocks, bonds, notes or securities, but do not mean gains or losses arising from the operation of any business. Capital losses shall include all debts ascertained to be worthless during the income year, excepting accounts or bills receivable arising from professional fees, salaries or wages or from sales of merchandise or stock in trade appertaining to the business of the taxable, as provided for in Section 4, paragraph 8.

(h) The "Basis for determining the capital gain or loss" resulting from the sale, exchange or disposition other than by gift, donation, devise or inheritance, of real or personal property, stocks, bonds, notes, or securities acquired before January 1, 1920, shall be as provided in Section 7.

The Income Tax

Section 2. (a) The Levy Court of New Castle County shall during the month of February, 1935, calculate and settle the amount which has been expended by it on and after January 1st, 1935, for the support of the poor resident in said County and the amount which shall be necessary to be raised for the remainder of said year for the support of said poor, and the said Levy Court shall during the month of February, 1936, calculate and settle the amount which shall be necessary to be raised for said year commencing January 1st, 1936, for the support of said poor and for the purpose of raising said amounts shall levy such tax as shall be fixed by it upon

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the net income of every taxable. In calculating and settling said amounts the Levy Court shall exclude therefrom the sums required by law to be appropriated by it to the hospitals located within New Castle County for the care of the indigent sick, to the State Old Age Welfare Commission for the maintenance of the State Welfare Home and the support of its inmates and to the Mothers' Pension Fund.

(b) Said tax shall be levied, assessed and collected annually during the years 1935 and 1936 upon the entire net income received in the preceding calendar year from all sources, by every taxable, subject to the exemptions hereinafter named, at a rate to be fixed by the said Levy Court but not in excess of the following: one percentum of the amount of net income not in excess of Three Thousand Dollars; two percentum of the amount of net income in excess of Three Thousand Dollars but not in excess of Ten Thousand Dollars; three percentum of the amount of net income in excess of Ten Thousand Dollars. Said tax shall be levied, assessed, collected and paid upon and in respect to the net income for the calendar year or for any income year ending during the said calendar year. The rate fixed by the said Levy Court shall on or before the first day of March of the year in which it is fixed, be certified by the Clerk of the Peace of New Castle County to the State Tax Department of the State of Delaware.

If it shall appear to the said Levy Court at any time after the 15th day of March of the year in which the tax is payable, that the amount which would be collected by said State Tax Department at the rates fixed by the said Levy Court, will be in excess of the amount which the said Levy Court has calculated and settled as required by this Section as necessary for said year, the said Levy Court shall have the power and authority to make such abatement or abatements in the amount to be paid by said taxables, as the Levy Court shall deem proper, provided that in the judgment of the said Levy Court the amount which would have been produced for said year at the rate fixed by the said Levy Court less the amount of such abatement or abatements will be sufficient to produce the said amount so calculated and settled by the said Levy

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Court for said year, and provided further that any such abatement or abatements if made, shall be uniform with respect to all taxables. Any such abatement so made shall within ten days after it has been made, be certified by the Clerk of the Peace of New Castle County to the State Tax Department.

(b) A taxable during part of an income year, shall be taxed on the net income received during such part of the income year only or, if that amount cannot be determined, shall be taxed for a part of the whole net income proportionate to the part of the year in which such person or fiduciary, association or minor citizen has been a taxable.

Exempted Income

Section 3. The following income shall be exempt from income tax:

(a) (1) The proceeds of life insurance policies paid upon the death of the insured to any taxable.

(2) The amount received by the insured as a return of premium or premiums paid by him under life insurance, endowment or annuity contracts, either during the term or at the maturity of the term mentioned in the contract or upon the surrender of the contract.

(3) The value of property acquired by gift, bequest, devise or inheritance but the income received from such property after its acquisition shall be included in taxable income. The profit or loss on the sale, exchange or other disposition of such property shall be determined as provided in Section 7 of this Article.

(4) Interest upon the obligations of the State of Delaware or any political subdivision thereof or upon the obligations of the District of Columbia, of the United States or of its possessions.

(5) Dividends paid out of earnings or profits accrued prior to January 1, 1920.

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(6) Dividends paid in the capital stock of the corporation, joint stock company, or association which has declared and authorized the distribution.

(7) Capital gains accrued prior to January 1, 1920.

(8) Salaries, fees, wages, or pensions received from the United States.

(9) The amount received as alimony or support from a person who has paid tax thereon under these Articles.

(10) Any amounts paid to injured employees or to the dependents of deceased employees under the terms of "The Delaware Workmen's Compensation Law of 1917."

(11) Moneys paid from the revenue derived under the provisions of this Act to any indigent person or food, clothing or other supplies furnished to any such indigent person.

(b) In the case of the head of a family, or a married person living with husband or wife, a personal exemption of one thousand dollars, provided, however, that husband and wife living together shall receive but one personal exemption of one thousand dollars. Said one thousand dollars may be divided in the separate returns of the husband and wife in any manner they may choose.

There shall be a credit of One Hundred Dollars (\$100.00) for each person (other than husband or wife) dependent upon and receiving his or her chief support from the taxpayer if such dependent person is under twenty-one years of age or is incapable of self-support because mentally or physically defective.

"Head of family" means one who maintains a dwelling, house or apartment for the use of himself or herself and another or others who pay no rent or compensation for their accommodation and who are chiefly dependent upon said head of family for support. Such other person or persons need not be related to the head of family.

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In the case of death or separation of husband or wife, the exemption authorized shall be apportioned to the time of death or separation. A separated wife or husband who is the head of a family shall be allowed an exemption of One Thousand Dollars; while a separated wife or husband who is not the head of a family shall not be allowed any exemption.

If through death, change of residence or otherwise, a taxable is required to report income for a portion of the year only, exemption and deductions sustained during the said portion of a year shall be allowed, providing that if they cannot be accurately ascertained for the taxable period, a proportionate part of the exemptions and deductions for the whole year shall be allowed.

Deductions

Section 4. In computing net income, the following deductions shall be allowed:

(1) The necessary expenses actually paid by the taxable in carrying on any business or trade, not including personal, living or family expenses and not including transportation costs between residence and usual place of business.

(2) All interest paid by the taxable within the year on his indebtedness.

(3) Taxes paid within the income year, except taxes imposed by this Act and taxes assessed for local benefits of a kind tending to increase the value of the property assessed.

(4) A reasonable allowance for the exhaustion, wear and tear, obsolescence and depletion of property, arising out of its use or employment in the trade or business of the taxable, but not including such allowance on the residence of the taxable.

(5) Contributions or donations to the State of Delaware or any political subdivision thereof or to any institution supported in whole or in part by the State or any contribution or donation for

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religious, charitable, scientific or educational purposes for use in the State of Delaware only, provided that such contributions or donations shall not exceed fifteen per centum of the taxpayer's net income, as computed without the benefit of this paragraph.

(6) Losses sustained during the income year in the operation of farms or in other agricultural, horticultural, dairy or poultry pursuits or in the raising or preparation of animals, birds, poultry, vegetables, fruit, fish or sea food for the market. Depreciation of buildings or other property used in such operations may be included in losses incurred but no personal or household expenses of the owner or manager of the operation or of his family shall be included in such loss.

(7) Losses sustained during the income year through destruction of property by fire, flood, lightning, storm or collision, and losses caused by other casualty or by theft, provided that such losses are not compensated for by insurance or otherwise.

(8) Debts ascertained during the income year to be worthless and represented by accounts or bills receivable arising from professional fees, salaries, wages or from sales of merchandise or stock in trade appertaining to the business of the taxable, provided that such accounts or bills receivable have previously and while uncollected been included as income in an income tax return under this Act.

(9) Debts ascertained to be worthless within the income year represented by accounts or bills receivable that have not previously and while uncollected been included in gross income, in an income tax return under this Act, but such debts shall be deductible as capital losses only and to the extent that capital losses are deductible as provided in paragraph (11) hereof. (This provision shall not apply if the income from a business, trade or profession is reported on the basis of cash receipts and disbursements, in which case such debts shall not be deductible).

(10) Losses sustained during the income year through endorsement or guaranty of notes or obligations of any kind or

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through liability on subscription to stocks, bonds and notes or through contingent liability but such losses shall be deductible as capital losses only and to the extent that capital losses are deductible as provided in paragraph (11) hereof.

(11) Capital losses as defined in Section 1, paragraph (g) accrued after January 1, 1920, and that have been realized during the income year, but such losses shall be deductible from capital gains and to the extent thereof only.

Trusts and Estates

Section 5. (a) The tax imposed by this Article shall apply to the income of estates or of any kind of property held in trust, including:

(1) Income received by estates of deceased persons during the period of administration or settlement of estate.

(2) Income accumulated in trust for the benefit of unborn or unascertained persons, or persons with contingent interests.

(3) Income held for future distribution under the terms of the will or trusts.

(4) Income which is to be distributed to beneficiaries periodically, whether or not at regular intervals.

(5) Income collected by a guardian of an infant or infants to be held or distributed as the court may direct.

(b) The fiduciary shall be responsible for making the return of income for an estate or trust for which he or it acts. The net income of the estate or trust shall be computed in the same manner and on the same basis as hereinbefore provided in this Article, except that there shall also be allowed as a deduction, any part of the gross income which, pursuant to the terms of the will or deed creating the trust, is during the taxable year paid to or permanently set aside for the United States, any state or territory or any political

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subdivision thereof, or the District of Columbia or for any corporation or association organized or operated exclusively for religious, charitable, scientific or educational purposes or for the prevention of cruelty to children or animals, provided that no part of the net earnings of such corporation or association inures to the benefit of any individual stockholder or individual. In cases under paragraphs (3), (4) and (5) of subdivision (a) of this section the fiduciary shall include in the return a statement of each beneficiary's distributive share of net income, whether or not distributed before the close of the taxable year for which the return is made.

(c) In cases under paragraphs 1, 2, 3, 4 or 5 of subdivision (a) the tax shall be imposed upon the net income of the estate or trust and shall be paid by the fiduciary. In determining net income under this paragraph, there shall be deducted the amount of any income properly paid to or credited subject to withdrawal by any legatee, heir or other beneficiary, and a further deduction for net income paid to or accruing to the benefit of a non-taxable. The same exemptions of income and deductions allowable under Sections 3 and 4 of this Act, shall be allowed to estates and trusts.

(d) Income properly paid or credited subject to withdrawal, deducted under subdivision (c) shall be returned by the legatee, heir or beneficiary to whom it has been paid or credited subject to withdrawal, as part of his or its income for the income year in which received or credited.

(e) Unincorporated associations of persons, syndicates, joint ventures and co-partnerships shall make a return of income for information of the State Tax Department. Said return shall show the names and addresses of taxables to whom the net income received has accrued or has been distributed and the proportionate interest of each taxable in the net income.

Returns to State Tax Department

Section 6. (a) Every taxable shall make a return upon the printed form provided by the State Tax Department, hereinafter

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referred to as Tax Department, stating specifically the items of gross income, if any, the deductions and such other facts as said Tax Department may require.

(b) Such taxable shall certify to the truth and correctness of the return.

The return required by this Section may be made for a taxable when the taxable is unable to make return, by some other person who shall state the cause of the taxable's inability to file return and, if required, shall make oath that he has sufficient knowledge of the affairs of the taxable, for whom he makes the return, to make such return and that the return is true and correct. Such person so making a return for another may be held liable for the penalties provided in Section 20 (e) for makers of false or fraudulent statements or returns, if error is due to his willful neglect or false statement.

(c) Unincorporated associations of persons and partnerships shall make a return of information as provided in Section 5 (e).

(d) Officers or employees of the United States who are citizens or residents of another State but by reason of their assignment of duty are stationed in New Castle County, need not make a return and are exempt from payment of tax under this Act.

(e) Women receiving mother's pensions, persons receiving outside support from public funds and persons who, because of age, infirmity or mental disability, are wholly or partly dependent for support shall make return or, if incapable of so doing, return shall be made for them by the person upon whom dependent.

(f) The officer in charge of any charitable or public institution in New Castle County in which reside any persons incapable of making returns shall annually on or before March 15th furnish to the Tax Department a complete list of such persons in their charge.

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Failure to File Returns

(g) If the Tax Department shall be of the opinion that any taxable has failed to file a return, or to include in a return filed, either intentionally or through error, items of taxable income, it may require from such taxable a return or a supplementary return, under oath, in such form as it shall prescribe, of all the items of income which the taxable received during the year for which the return is made, whether or not taxable under the provisions of this Act. If from a supplementary return, or otherwise, the Tax Department finds that any items of income, taxable under this Act, have been omitted to be disclosed to it, under oath of the taxable, and to be added to the original return, such supplementary return and the correction of the original return shall not relieve the taxable from any of the penalties to which he or it may be liable under the provisions of this Act. The Tax Department may proceed under the provisions of Section 20 of this Act whether or not it requires a return or a supplementary return under this Section.

Determination of Amount of Gain or Loss

Section 7. (a) Except as hereinafter provided in this Section, the gain derived from the sale, exchange or other disposition of property, real or personal, shall be the excess of the amount realized therefrom over the basis determined in accordance with the provisions of this Section, and the loss sustained shall be the excess of such basis over the amount realized. As used in this Section: the term "amount realized" means the sum of any money plus the fair market value of the property (other than money) received from the sale, exchange or other disposition of property.

(b) The basis for ascertaining the gain derived or the loss sustained from the sale, exchange or other disposition of property, real or personal, acquired after December 31, 1919, shall be the cost of such property, except that:

(1) In the case of such property acquired by gift: The basis shall be the same as that which it would be in the hands of the donor or the last preceding owner by whom it was not acquired by

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gift. If the necessary facts are unknown to the donee, the Commissioner shall obtain such facts from the donor, or from any other person cognizant thereof. If the Commissioner finds it impossible to obtain such facts, the basis shall be the fair market value of the property as found by the Commissioner as of the date or approximate date at which, according to the best information the Commissioner is able to obtain, the property was acquired by the donor or last preceding owner.

(2) In the case of personal property acquired by bequest, devise or inheritance: The basis shall be the value of such property as determined by the officer appointed by the Register of Wills.

(3) In the case of real property acquired by bequest, devise or inheritance: The basis shall be the fair market value at the date of acquisition by the taxable.

(4) In the case of such property held in trust: The basis shall be the same as that which it would be if it had remained in the hands of the creator of the trust.

(5) In the case of such property acquired upon an exchange described in sub-divisions (h) and (i) of this Section: The basis shall be the same as in the case of the property exchanged, decreased by the amount of any money received in the exchange, and increased by the amount of gain, or decreased by the amount of loss to the taxpayer recognized upon such exchange under the law applicable to the year in which such exchange was made. If the property so acquired consisted in part of the type of property permitted by sub-division (h) to be received without the recognition of gain or loss, and in part of other property, the basis provided in this paragraph shall be allocated between the properties (other than money) received, and for the purpose of the allocation there shall be assigned to such other property an amount equivalent to its fair market value, at the date of the exchange.

(6) In the case of stock upon which stock dividend has been paid the cost basis for original and dividend holdings shall be determined in accordance with the following rules:

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(I) Where the stock issued as a dividend is of the same character or preference as the stock upon which the dividend is paid: The basis of each share shall be the quotient found by dividing the total cost of the original shares by the total shares both original and dividend.

(II) Where the stock issued as a dividend is of a character or preference different from the stock upon which the dividend is paid: The cost of the original shares of stock shall be divided between such stock and the dividend stock in proportion, as nearly as may be, to the respective values of each class of stock at the time the dividend is paid. If no value at time of payment of dividend can be established preferred shares having par value shall be valued at par and the remainder of the total value shall be allotted to the common shares.

(7) In the case of stock received in a distribution described in paragraph (4) of sub-division (h) the basis for the original stock and the stock received in such distribution shall be determined in accordance with the rules contained in the preceding paragraph, in the same manner as if the stock received in such distribution were received as the result of a stock dividend.

(c) The basis for ascertaining the gain derived or the loss sustained from the sale, exchange or other disposition of property, real or personal, acquired prior to January 1, 1920, shall be (1) the same as it would be if determined in accordance with the provisions of sub-division (b) or (2) the fair market value of such property as of January 1, 1920, whichever is higher.

(d) In computing the amount of gain or loss under sub-division (a)

(1) Proper adjustment shall be made for any expenditure or item of loss properly chargeable to capital account.

(2) The basis shall be diminished by the deductions for exhaustion, wear and tear, obsolescence and depletion which have

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since the acquisition of the property been allowed to such property under this Act.

(e) Where, in the case of property received as a bonus in the purchase of other property, there is a sale, exchange or other disposition of such bonus or the property purchased, or both, the cost of the purchased property shall be fairly apportioned to such bonus and purchased property in ascertaining the basis for determining the gain derived or loss sustained. But if such apportionment should be impracticable, sales of any part of the property purchased or of the bonus shall be charged to cost until the latter shall have been completely recovered from such sales. The proceeds of further sales shall then be accounted as gain in the year such sales are made.

(f) Where, in the case of the sale, exchange or other disposition of property, the amount realized is substantially less than the fair market value of such property at the time of such sales, exchange or other disposition, the State Tax Commissioner may treat the difference between the fair market value and the amount realized as a gift and not a capital loss as defined in Section 1, provided, that in such event the basis of the property shall remain the same as it was before such sale, exchange or disposition.

(g) (1) In the case of the shares of stock in a corporation which are sold or exchanged from lots purchased at different dates or at different prices and when the identity of the lots cannot be determined: The stock sold shall be charged against the earliest acquired stock.

(2) If the stock upon which a stock dividend is paid was purchased at different times and at different prices and the identity of the lots cannot be established, sale of the original stock shall be charged to the earliest purchases of such stock and a sale of dividend stock shall be accounted as made from the dividend paid on the earliest purchased original stock to the extent of the dividend chargeable to such stock.

(h) No gain or loss shall be recognized in the following cases:

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(1) If property held for productive use in trade or business or for investment (not including stock in trade or other property held primarily for sale, nor stocks, bonds, notes, choses in action, certificates of trust or beneficial interest, or other securities or evidences of indebtedness or interest) is exchanged solely for property of a like kind to be held either for productive use in trade or business or for investment.

(2) If common stock in a corporation is exchanged solely for common stock in the same corporation, or if preferred stock in a corporation exchanged solely for preferred stock in the same corporation.

(3) If stock or securities in a corporation a party to a reorganization are, in pursuance of the plan of reorganization, exchanged solely for stock or securities in such corporation or in another corporation a party to the reorganization.

(4) If there is distributed, in pursuance of a plan of reorganization, to a shareholder in a corporation, a party to the reorganization, stock or securities in such corporation or in another corporation a party to the reorganization, without the surrender by such shareholder of stock or securities in such a corporation, such a distribution shall not be considered a distribution of earnings or profit within the meaning of sub-division (e) of Section 1.

(5) If property is transferred to a corporation by one or more persons solely in exchange for stock or securities in such corporation, and immediately after the exchange such person or persons are in control of the corporation; but in the case of an exchange by two or more persons this paragraph shall apply only if the amount of the stock and securities received by each is substantially in proportion to his interest in the property prior to the exchange.

As used in this Section: The term "reorganization" means (a) a merger or consolidation (including the acquisition by one corporation of at least a majority of the voting stock and at least a

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majority of the total number of shares of all other classes of stock of another corporation, or substantially all the properties of another corporation), or (b) a transfer by a corporation of all or part of its assets to another corporation if immediately after the transfer the transferor or its stockholders or both are in control of the corporation to which the assets are transferred, or (c) a recapitalization, or (d) a mere change in identity, form or place or organization, however affected.

As used in this Section: The term "control" means the ownership of at least 80 per centum of the voting stock and at least 80 per centum of the total number of shares of all other classes of stock of the corporation.

(i) If an exchange would be within the provisions of subdivision (h) of this Section, if it were not for the fact that the property received in exchange consists not only of property permitted by such sub-division to be received without the recognition of gain, but also of other property or money, then no loss shall be recognized, but the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property.

(j) Where property is sold or otherwise disposed of on the installment plan, gain or loss may, under regulation prescribed by the Commissioner, be determined in accordance with the following provisions:—

(1) In the case of a business which regularly sells or otherwise disposes of property on the installment plan, the gain or loss from such sales or other disposition to be included in the income of such business for any income year shall be that proportion of the installment payments actually received in that year which the gross profit realized or to be realized when payment is completed, bears to the total contract price.

(2) In the case (A) of a casual sale or other casual disposition of personal property (other than property of a kind which

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would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year) for a price exceeding \$1,000, or (B) of a sale or other disposition of real property, if in either case the initial payments do not exceed 40 per centum of the selling price, the income may be returned on the basis and in the manner above prescribed in this sub-division. As used in this sub-division the term "Initial payments" means the payments received in cash or property other than evidences of indebtedness of the purchaser during the income year in which the sale or other disposition is made.

(3) If a taxpayer entitled to the benefits of paragraph (1) elects for any income year to report his net income on the installment basis, then in computing his income for the year of change or any subsequent year, amounts actually received during any such year on account of sales or other dispositions of property made in any prior year shall not be excluded.

(4) If an installment obligation is satisfied at other than its face value or distributed, transmitted, sold, or otherwise disposed of, gain or loss shall result to the extent of the difference between the basis of the obligation and (A) in the case of satisfaction at other than face value or a sale or exchange—the amount realized, or (B) in case of a distribution, transmission, or disposition otherwise than by sale or exchange—the fair market value of the obligation at the time of such distribution, transmission or disposition. The basis of the obligation shall be the excess of the face value of the obligation over an amount equal to the income which would be returnable were the obligation satisfied in full.

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ADMINISTRATION OF INCOME TAX

ARTICLE II

Tax Department and Collection of Taxes

Section 8.

Definitions

(a) The words "Tax Department" mean the State Tax Department.

(b) The words "Tax Board" mean the State Tax Board.

(c) The words "Commissioner" or "Tax Commissioner" mean the State Tax Commissioner.

(d) The word "Taxable" means any person, fiduciary, association of persons, syndicate, joint venture or co-partnership subject to making return or to payment of tax imposed by Article I of this Act.

(e) The words "Notice", "Notification" or "Receipt" required to be given or provided for by these Articles mean a written notice, notification or receipt, contained in a sealed envelope, addressed to the taxable at his last known address and deposited in the United States mails unless delivered to the taxable in person or to his representative or agent.

State Tax Department

(f) The Administration and enforcement of the provisions of Article I and II of this Act and the collection of the taxes imposed thereby are hereby vested in the State Tax Department, a State Tax Board and the State Tax Commissioner, created under the provisions of Chapter 8, Volume 36, Laws of Delaware, and such officers and employees as may be authorized to be appointed or employed by authority of said Chapter 8, Volume 36.

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Section 9. The State Tax Commissioner is hereby authorized and empowered to appoint or employ such additional officers and employees as he shall deem necessary for the purpose of carrying out the provisions of this Act and the cost and expenses incurred thereby shall be paid out of the income tax collected under the provisions of this Act.

Powers and Duties of the State Tax Department

Section 10. The Tax Department shall:

Administer, supervise, collect and enforce the Income Tax imposed by Article I of this Act.

Prepare all necessary forms and blanks required in the administration of the said Income Tax.

Pay daily to the County Treasurer of New Castle County all sums collected by the Tax Department under the provisions of this Act, except such sums as are retained in accordance with the provisions of this Act as a repayment fund, a contingent fund, and for the expenses of the Tax Department as provided by Section 21 (b) of this Act.

Powers and Duties of the State Tax Board

Section 11. The Tax Board shall have the same powers and duties with respect to the Income Tax under this Act as are conferred upon it relative to the Income Tax under the provisions of Chapter 8, Volume 36, Laws of Delaware, subject to the same right of appeal, by any claimant, in the same manner, to the Superior Court for revisions of tax under the provisions of Section 17 of this Act or for other relief as is given under the provisions of said Chapter 8, Volume 36.

Powers and Duties of the State Tax Commissioner

Section 12. The Tax Commissioner shall:

(a) On or before March 5th of 1935 and 1936, mail to the last recorded address of each person, fiduciary, association of per-

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sons, syndicate, joint venture or co-partnership that has made a return or report under the provisions of Chapter 8, Volume 36, Laws of Delaware, and that has not ceased to be a taxable, a blank for the purpose of making a return under the provisions of this Act. Excepting the duty imposed upon him by paragraph (g), Section 12 of said Chapter 8, Volume 36, he shall have the same powers, duties, and rights with respect to the Income Tax under this Act, as are conferred upon him relative to the Income Tax under the provisions of said Chapter 8, Volume 36.

Signing and Filing Returns

Section 13. (a) Returns shall be in such form as the Tax Department shall prescribe, from time to time, and shall be filed by every taxable described in Sections 1, 5, 6 and 8 hereof, with the Tax Department at its main or any branch office within New Castle County, on or before the Fifteenth day of March in each year, for the preceding year. In case of continued sickness, absence or other disability or whenever in its judgment good cause exists, the Tax Department may allow further time for filing returns. Failure to receive as provided in Section 12 (a) hereof, or to secure the blank forms for said return shall not relieve any taxable from the obligation of making the return.

(b) Return of the income of minors, idiots, insane persons, other persons incapable or unable to act for themselves, or for taxables absent from New Castle County, shall be made as provided in Section 14.

(c) A return shall be signed by the person making the return or by the representative or fiduciary acting for such taxable. The signature shall be the full name, both given name or names, and surname. If a married woman, her own name as well as the name of her husband shall appear.

(d) The Tax Commissioner may require a return to be certified under oath.

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Returns for Minors, Incompetents and Absentees

Section 14. All returns and payments of income tax for minors, idiots, insane persons, other persons incapable or unable to act for themselves, or for taxables absent from the said New Castle County shall be made by their guardians, trustees or other persons having charge of their estate and the collection of the income thereof. All such fiduciaries shall have credit for the amount of such payments made on behalf of the beneficiary in any account which they make as such fiduciaries, and receipts for such payments from the Tax Department shall be sufficient vouchers to entitle these fiduciaries to such credit.

Time and Place of Payment of Tax

Section 15. (a) (1). The tax as the same shall appear from the face of the return, shall be paid to the Tax Department at the office where the return is filed in four equal installments as follows: one-fourth of the amount at the time fixed for filing the return; one-fourth of the amount on the fifteenth day of the third month after the time fixed for filing return; one-fourth of the amount on the fifteenth day of the sixth month after the time fixed for filing return; and one-fourth of the amount on the fifteenth day of the ninth month after the time fixed for filing the return, less such abatement if any, as shall be made pursuant to the authority contained in paragraph (b) of Section 2.

(b) If it shall appear that prompt collection of any quarterly payment of taxes, interest or penalties due will impose severe hardship on the taxable, the Commissioner may, in his discretion, permit payments by installments and may require a bond from the taxable for the carrying out of the agreement to pay.

(c) The Tax Board at a meeting or by written assent, may reasonably extend the time for making any payment of tax due under this Act but such extension of time shall be recorded in the minutes of the Tax Board.

(d) If the time for filing the return shall be extended, interest at the rate of six per centum per annum, from the time when

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the return was originally required to be filed, to the date of payment shall be added and paid.

(e) The tax may be paid with uncertified check, certified check or money order during such time and under such regulations as the Tax Commissioner shall prescribe, but if a check or money order so received is not paid on demand by the bank or post office on which it is drawn, the taxable by whom such check or money order is tendered shall remain liable for the payment of the tax and for all legal penalties the same as if such check or money order had not been tendered.

(f) Every tax imposed by this Act, and all increases, interest and penalties thereon shall become, from the time it is due and payable, a personal debt, from the person or persons or corporation liable to pay the same, to the State of Delaware for the use of New Castle County.

(g) If, after the assessment of any tax, increase, interest and/or penalty shall have become final, the same or any part thereof shall remain unpaid for ten days, the Tax Department shall file with the Prothonotary of the Superior Court of New Castle County, a certificate of such assessment, stating the amount thereof, the date assessed, and the dates of the notice or notices, if any, given to the taxable in connection therewith, together with a brief summary of the proceedings had thereon. It shall thereupon be the duty of the Prothonotary to enter the total amount of such assessment as a judgment in favor of the State of Delaware for the use of New Castle County and the said amount so entered shall thereupon be and constitute a judgment of record in said Court with like force and effect as any other judgment in said Court. Upon the entry of such judgment it shall be the duty of the Tax Department forthwith to utilize the most expeditious means provided by law for the collection of the amount thereof; and it is hereby expressly provided that no property, wages, salaries, or other income of any taxable shall be exempt from execution or attachment process issued upon or for the collection of any such judgment.

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Examination of Returns

Section 16. (a) As soon as practicable after the return is filed, the Tax Department shall examine it and compute the tax and the amount so computed shall be the tax.

Additional Taxes

(b) If the Tax Department discovers from the examination of the return or otherwise that the income of any taxable, or any portion thereof, has not been assessed, it may, at any time within two years after the time when the return was due or filed, assess the same and give notice to the taxable of such assessment, and at the termination of thirty days the additional tax determined by the Tax Department shall be due and payable, unless the taxable or his agent or attorney shall have within said thirty days, filed complaint or appeal in writing over his signature from the assessment of the Tax Commissioner and requested a hearing before the State Tax Board, as provided in Section 11 of this Article. The limitation of two years to the assessment of such tax shall not apply to the assessment of additional taxes upon returns which are false or fraudulent or the income thereon grossly understated, or in cases where no returns have been filed.

Refunds of Overpayments

(c) If the amount of tax found due shall be less than the amount theretofore paid, either as a result of examination of the return by the Tax Department or by the allowance of a claim for overassessment filed by the taxable, the excess shall be refunded by the Tax Department out of the repayment fund retained by it as provided in this Act. Interest shall be allowed the taxable at the rate of one-half percent per month or fraction of a month, from the time the payment was made to the date of refund.

No refund of excess payment shall be made until the same has been approved by the Tax Board or a majority thereof at a recorded meeting or in writing.

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Appeals

Section 17. After determination of the State Tax Board upon a complaint or appeal of a taxable at a formal hearing as provided in Section 11, appeal may be made within thirty days from notification of said Board's decision, to the Superior Court.

The Superior Court of the State of Delaware, sitting in and for New Castle County is hereby vested with jurisdiction to hear and determine all such appeals and may by proper rules, prescribe the procedure to be followed in such appeals. Every such appeal shall be determined by the Court without the aid of a jury. Costs may be awarded by the said Court in its discretion and when so awarded the same shall be collected as other costs are collected.

Delinquent Taxes

Section 18. (a) Any person, fiduciary, association of persons, syndicate, joint venture or co-partnership required to make a return under this Act, whether taxable or not, and failing so to do within 30 days after the time when such return is required to be filed shall be subject to a specific penalty of \$5.00 in addition to all other penalties prescribed by this Act.

(b) If any taxable liable to file a return and pay taxes imposed by these Articles neglects or refuses to pay the same within thirty days after notification of the said liability for the return and taxes, the Commissioner or Assistant Commissioner, shall make the return from his own knowledge or from such information as he may obtain through testimony or otherwise, and the tax shown to be due on such return shall be assessed and collected in the same manner as prescribed for additional taxes, in Section 15 (b), (c) and (d) and Section 16 (b) of this Article, except that no right of appeal shall be possessed by a taxable so assessed except through a claim for refund.

(c) If a taxable shall fail or refuse to make a return or to pay a tax as provided in this Act, such taxable shall be deemed guilty of fraud and shall be liable to the penalties provided for fraudulent returns.

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Refunds of Taxes

Section 19. (a) A taxable may apply to the State Tax Commissioner, State Tax Board, and the Superior Court sitting in and for New Castle County, in order named, as hereinbefore provided, for refund of the taxes imposed by this Act alleged to have been erroneously or illegally assessed or collected or of any interest or penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected from said taxable, at any time within two years from the date such tax was paid on the original return or thirty days from the date of payment of any additional tax. The Tax Board shall grant a hearing thereon and if it shall determine that the tax, interest or penalties are excessive or incorrect, it shall resettle the same according to the law and the facts and adjust the computation of tax, interest or penalties accordingly. The Tax Department shall notify the taxable of such determination and shall refund to the taxable the amount paid in excess of the tax, interest and penalties found by it to be due.

Claim for Abatement or Refund

(b) If the Tax Commissioner shall fail to act upon or shall reject any claim for abatement or refund of taxes alleged to have been illegally or erroneously assessed or paid, within sixty days from the filing of such claim, the taxable shall have and possess rights of appeal to the State Tax Board and as provided in Sections 16 (b) and 17 of this Article.

Penalties

Section 20. In any case where additional tax is found to be due, if it shall appear that the return was made in good faith and understatement of the tax is not due to any fault of the taxable there shall be no penalty added because of such understatement but interest shall be added to the amount of the deficiency at the rate of one-half of one per centum for each month or fraction of a month.

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Appeals

Section 17. After determination of the State Tax Board upon a complaint or appeal of a taxable at a formal hearing as provided in Section 11, appeal may be made within thirty days from notification of said Board's decision, to the Superior Court.

The Superior Court of the State of Delaware, sitting in and for New Castle County is hereby vested with jurisdiction to hear and determine all such appeals and may by proper rules, prescribe the procedure to be followed in such appeals. Every such appeal shall be determined by the Court without the aid of a jury. Costs may be awarded by the said Court in its discretion and when so awarded the same shall be collected as other costs are collected.

Delinquent Taxes

Section 18. (a) Any person, fiduciary, association of persons, syndicate, joint venture or co-partnership required to make a return under this Act, whether taxable or not, and failing so to do within 30 days after the time when such return is required to be filed shall be subject to a specific penalty of \$5.00 in addition to all other penalties prescribed by this Act.

(b) If any taxable liable to file a return and pay taxes imposed by these Articles neglects or refuses to pay the same within thirty days after notification of the said liability for the return and taxes, the Commissioner or Assistant Commissioner, shall make the return from his own knowledge or from such information as he may obtain through testimony or otherwise, and the tax shown to be due on such return shall be assessed and collected in the same manner as prescribed for additional taxes, in Section 15 (b), (c) and (d) and Section 16 (b) of this Article, except that no right of appeal shall be possessed by a taxable so assessed except through a claim for refund.

(c) If a taxable shall fail or refuse to make a return or to pay a tax as provided in this Act, such taxable shall be deemed guilty of fraud and shall be liable to the penalties provided for fraudulent returns.

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Refunds of Taxes

Section 19. (a) A taxable may apply to the State Tax Commissioner, State Tax Board, and the Superior Court sitting in and for New Castle County, in order named, as hereinbefore provided, for refund of the taxes imposed by this Act alleged to have been erroneously or illegally assessed or collected or of any interest or penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected from said taxable, at any time within two years from the date such tax was paid on the original return or thirty days from the date of payment of any additional tax. The Tax Board shall grant a hearing thereon and if it shall determine that the tax, interest or penalties are excessive or incorrect, it shall resettle the same according to the law and the facts and adjust the computation of tax, interest or penalties accordingly. The Tax Department shall notify the taxable of such determination and shall refund to the taxable the amount paid in excess of the tax, interest and penalties found by it to be due.

Claim for Abatement or Refund

(b) If the Tax Commissioner shall fail to act upon or shall reject any claim for abatement or refund of taxes alleged to have been illegally or erroneously assessed or paid, within sixty days from the filing of such claim, the taxable shall have and possess rights of appeal to the State Tax Board and as provided in Sections 16 (b) and 17 of this Article.

Penalties

Section 20. In any case where additional tax is found to be due, if it shall appear that the return was made in good faith and understatement of the tax is not due to any fault of the taxable there shall be no penalty added because of such understatement but interest shall be added to the amount of the deficiency at the rate of one-half of one per centum for each month or fraction of a month.

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(b) If it shall appear that the understatement of tax is due to negligence on the part of the taxable, there shall be added to the amount of the deficiency, a penalty of five per centum thereof and, in addition, interest at the rate of one-half of one per centum per month or fraction of a month, which interest shall be on the amount of tax plus the penalty.

(c) If it shall appear that the return of income is grossly understated or is false or fraudulent, there shall be added to the tax on the additional income discovered to be taxable a penalty of one hundred per centum, and in addition, interest added at the rate of one-half of one per centum per month or fraction of a month which interest shall be on the amount of tax plus the penalty.

(d) If any taxable, without intent to evade any tax imposed by this Act, shall fail to file a return of income, or pay a tax if one is due, at the time required by or under the provisions of this Act, but shall voluntarily file a return of income and pay the tax due within thirty days thereafter, there shall be added to the tax a penalty equal to five per centum thereof and in addition interest at the rate of one-half per centum per month or fraction of a month, which interest shall be on the amount of tax plus penalty.

If any taxable wilfully fails or refuses to file a return of income, or to pay a tax if one is due within thirty days of the time required by or under the provisions of this Act, there shall be added to the tax, a penalty of one hundred per centum thereof, and in addition, interest added at the rate of one-half per centum per month or fraction of a month, which interest shall be on the amount of tax plus penalty.

(e) Any person or corporation or any officer or employee of any corporation, or any member or employee of any association of persons, syndicate, joint venture or co-partnership, who with intent to evade any requirement of this Act or any lawful requirement of the State Tax Department thereunder, shall fail to pay any tax or to make, sign or verify any return or to supply any information required by or under the provisions of this Act, or who, with like

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intent, shall make, render, sign or verify any false or fraudulent return or statement or shall supply any false or fraudulent information, shall be guilty of a misdemeanor and shall, upon conviction, be fined not to exceed five hundred dollars or be imprisoned not to exceed six months, or both, at the discretion of the Court. The penalties provided by this paragraph shall be additional to all other penalties in this Act provided.

(f) Any taxable who shall refuse or neglect to make the return required to be made under Articles I and II of this Act within thirty days after the last day for making such return, or who shall refuse or neglect to pay the tax assessed against such taxable within thirty days after it becomes due shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars or by imprisonment not exceeding six months or both in the discretion of the Court.

(g) The Tax Board shall have power to compromise any penalty for which it is authorized to bring action under the foregoing provisions and all penalties collected by the Tax Department either by compromise or suit shall be paid to the Treasurer of New Castle County and the same shall go into and become part of the Separate Account hereinafter referred to.

(h) The failure to do any act required by or under the provisions of this act shall be deemed an act committed in part at the office of the Tax Department in Wilmington. The Certificate of the Tax Commissioner to the effect that a tax has not been paid, that a return has not been filed or that information has not been supplied, as required by or under the provisions of this Act, shall be prima facie evidence that such tax has not been paid, that such return has not been filed or that such information has not been supplied.

(i) If any taxable, who has failed to file a return or who has filed an incorrect or insufficient return and has been notified by the Tax Department of this delinquency, refuses or neglects within thirty days after such notice to file a proper return or files a fraudu-

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lent return, the income of said taxable shall thereupon be determined by the Tax Department according to its best information and belief and the tax shall be levied, assessed, collected and paid, together with penalty equal to one hundred per centum of the amount of the tax, together with interest at the rate of one-half per centum per month or fraction of a month on the amount of tax plus the penalty. The Tax Board may in its discretion allow further time for filing of a return in such cases.

(j) If a taxable has failed, without good cause to file a return within the time prescribed by law, or has filed a fraudulent return or having filed an incorrect return has failed, after notice, to file a proper return, the Tax Commissioner shall give full effect to the penalty provided in Section 20, paragraph I and shall not reduce the tax, interest and penalty below double the amount for which the taxable is found to be properly assessed but the Tax Board shall have power to reduce this penalty provided by Section 20, paragraph I to not less than twenty-five per centum of the amount of the tax with interest added at one-half of one per centum per month, or fraction of a month, which interest shall be on the amount of the tax plus the penalty.

(k) The interest provided for in this section shall in all cases be computed from the date the tax was originally due to the date of payment.

Receipts for Taxes

Section 21. (a) It shall be the duty of the Tax Department to give or send to the taxable or to his authorized agent, making payment in accordance with the provisions of this Act, a full written or printed receipt expressing the amount paid and the particular account for which such payment was made.

Expenses of Tax Department

(b) The Tax Board and the officers and employees of the Tax Department shall be entitled to receive a reasonable compensation for their services and necessary expenses under the provi-

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sions of this Act. The amount of such compensation and expenses shall be approved by the Tax Commissioner and shall be retained out of the revenue collected from taxes imposed by this Act and shall be paid by said Tax Department to the persons entitled thereto.

Legal Advice by Attorney General

Section 22. It shall be the duty of the Attorney General to give counsel, advice and legal assistance to the Tax Department and to assist in the prosecution of violations of this Act when such counsel, advice or assistance is requested by the Tax Department.

Repayment Fund

Section 23. The Tax Department shall retain out of the revenue collected from the taxes imposed under this Act, a sum sufficient to provide at all times during the time that this Act is in effect and for such time thereafter as the Tax Commissioner shall think reasonable and proper, a fund of Twenty Thousand Dollars out of which to pay any refunds provided in Section 19 to which taxables shall be entitled under the provisions of this Act. Said fund shall be deposited in the Farmers' Bank of the State of Delaware to the credit of the State Tax Department and shall be disbursible on order of the Tax Commissioner.

Contingent Fund

(b) The Tax Department shall retain in its hands of the revenue collected from the taxes imposed by this Act, a sum to be determined by the Tax Commissioner, provided however that such amount shall not exceed Fifteen Thousand Dollars in any one year. This fund shall be used as a contingent fund for the purchase of materials, equipment and other necessary expenses in connection with the operation of the Tax Department as required by the provisions of this Act. This fund shall be disbursible on order of the Tax Commissioner.

Contract to Assume Taxes Illegal

Section 24. It shall be unlawful for any person to agree or contract directly or indirectly to pay, or assume, or bear the burden

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of any tax payable by any taxable under the provisions of these Articles. Any such contract or agreement shall be null and void and shall not be enforced or given effect by any Court.

Disposition of Certain Funds

Section 25. The Tax Department shall pay to the County Treasurer of New Castle County at such time or times as the Tax Commissioner shall think reasonable and proper, the amounts retained in accordance with the provisions of this Act, as a Repayment Fund and as a Contingent Fund or such balance thereof as shall not have been expended by the said Tax Department, and if thereafter it shall appear to the said Tax Commissioner that there are any unpaid obligations which should be properly chargeable against the Income Tax collected under the provisions of this Act, he shall certify such fact to the said Levy Court and the said Levy Court shall direct the payment of the same either out of the Special Account referred to in Section 26 hereof, or out of the general fund of New Castle County.

Disposition of Taxes

Section 26. The proceeds of all taxes, interest, penalties and other collections under the provisions of this Act, paid by the said State Tax Department to the County Treasurer of New Castle County, shall be by him deposited in the Farmers' Bank of the State of Delaware, in a Separate Account to be opened for that purpose, and the said County Treasurer upon the warrant of the said Levy Court shall except as otherwise provided in Section 25 hereof, apply and use the same in such manner as the said Levy Court pursuant to the provisions of any law now in force or hereafter passed, shall direct, in the support of the said poor, excepting those receiving Mothers' Pensions and their dependents and those receiving support from the said State Old Age Welfare Commission; in the payment to the Levy Court of moneys advanced by said Levy Court at any time subsequent to January 1, 1935, for the support of said poor, excepting as aforesaid; in the payment of principal and interest due on Bonds, Notes, Certificates of Indebtedness or other evidences of debt hereafter issued to secure the payment of money

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borrowed and used for the support of said poor; excepting as aforesaid; and/or for the payment of principal and interest due on Bonds, Notes, Certificates of Indebtedness or other evidences of debt given to refund or renew such Bonds, Notes, Certificates of Indebtedness or other evidences of debt so given to secure the payment of money borrowed and used in the support of said poor, excepting as aforesaid, and for no other purpose.

Penalties for Disclosure of Returns

Section 27. It shall be unlawful for any officer or employee of the State of Delaware to make known intentionally information imparted by any income tax return made under this Act or to wilfully permit any income tax return of a taxable or copy thereof to be seen or examined by any person other than the taxable or his authorized agent and employees of the Tax Department, except as provided by law and any offense against the foregoing provisions shall be a misdemeanor and shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding one year, or both, at the discretion of the Court.

Taxes for School Purposes Not Affected

Section 28. The Income Tax assessed and levied against taxables under the provisions of this Act, is in addition to the Income Tax levied and assessed against said Taxables under the provisions of Chapter 8, Volume 36, Laws of Delaware, and the acts heretofore passed amendatory thereof and supplemental thereto, and nothing in this Act shall be deemed to amend or modify the provisions of said Chapter 8, Volume 36, Laws of Delaware, or any acts heretofore passed amendatory thereof or supplemental thereto, with respect to the Income Tax assessed and levied under said Chapter 8, Volume 36, Laws of Delaware.

Information Required of Employers and Others

Section 29. All persons, fiduciaries, associations of persons, syndicates, joint ventures, co-partnerships or corporations in whatever capacity acting, including lessees or mortgagors of real or per-

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sonal property, and employers, making payments to other persons of interest, dividends, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable gains, profits, and income, aggregating \$100 or more and not in excess of \$1,000 in any taxable year, shall render a true and accurate return to the Tax Department, under such regulations and in such form and manner and to such extent as may be prescribed by the Tax Department, setting forth the amount of any and all such payments made to citizens or residents of New Castle County and the names and addresses of the recipients of such payments. The provisions of this paragraph shall apply to officers or employees of the State of Delaware or of any political subdivision or any municipal corporation therein.

Unconstitutionality or Invalidity

Section 30. If any clause, sentence, paragraph or part of this Act shall, for any reason, be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. No caption of any Article, Section or set of Sections shall in any way affect the interpretation of this Act or any part thereof.

.Approved February 4, 1935.

CHAPTER 13

NEW CASTLE COUNTY INCOME TAX

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE REVENUE FOR THE RELIEF OF CERTAIN POOR, RESIDENT IN NEW CASTLE COUNTY AND FOR THE PAYMENT TO THE LEVY COURT OF NEW CASTLE COUNTY OF MONEYS ADVANCED BY THE SAID LEVY COURT SUBSEQUENT TO JANUARY FIRST, 1935; FOR THE SUPPORT OF SAID POOR," APPROVED FEBRUARY 4th, 1935.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Act entitled "An Act to provide revenue for the relief of certain poor, resident in New Castle County and for the payment to the Levy Court of New Castle County of moneys advanced by the said Levy Court subsequent to January first, 1935; for the support of said poor," approved February 4th, 1935, be and the same is hereby amended, by striking out and repealing all of paragraph two (2) and paragraph three (3), as they appear under subsection (b) of Section 1, of Article 1, of the said Act, relating to "Persons Taxable," defining the word "Taxable," and relating to minors and minor citizens or residents of said New Castle County, who have attained the age of twenty-one (21) years during the income year. Provided, nevertheless, that this Act shall not apply to any minor during the year 1935, nor to any tax levied, assessed or collected or to be levied, assessed or collected, during the year 1935, upon income received during the preceding year, as provided in the said Act hereby amended; it being the intent of the General Assembly, in enacting this amendment to the original Act above referred to, to relieve minors from the payment of any tax under said Act upon income received during the year 1935.

Approved April 25, 1935.

CHAPTER 14

TRANSFER OF FUNDS FOR USE OF GENERAL FUND

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEYS FROM THE STATE SCHOOL FUND AND FUNDS ALLOCATED TO THE STATE HIGHWAY DEPARTMENT FOR USE OF THE GENERAL FUND.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That, beginning July 1, 1935, and on the first day of each of the six months immediately ensuing thereafter the State Treasurer is hereby authorized and directed in behalf of the State of Delaware and for the use of the General Fund of this State, to borrow from the funds now or hereafter allocated to the State Highway Department such sum or sums as shall be necessary to meet the current expenses as appropriated by law not exceeding in any one month the sum of One Hundred Fifty Thousand Dollars (\$150,000.00), and the total sum or amount borrowed not exceeding Six Hundred Thousand Dollars (\$600,000.00); also to borrow for the same purpose from the State School Fund a sum or sums not exceeding in any one month the sum of One Hundred Thousand Dollars (\$100,000.00), and the total sum or amount borrowed not exceeding Four Hundred Thousand Dollars (\$400,000.00), provided, however, that in case the total amount borrowed during the above six months period from the two funds shall be less than One Million Dollars (\$1,000,000.00), the amounts borrowed from the Highway Department and from the School Fund shall be approximately in the ratio of 60 to 40.

Section 2. On the date of the borrowing of each of the sums noted above, there shall be delivered to the State Treasurer a certificate of indebtedness for such sum or sums borrowed, which certificates shall bear interest at the current rate paid by the State Depository. Funds for the payment of this interest shall be taken from the revenues obtained from the Liquor Control Commission. These certificates shall be in negotiable form in accordance with the provisions of the Uniform Negotiable Instrument Act of this State.

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They shall be signed in the name of the State of Delaware by the Governor, the Secretary of State, and the State Treasurer and shall have the great seal of the said State impressed thereon or affixed thereto. Said certificates shall be a direct general obligation of the State and the public faith and credit of the State of Delaware is hereby expressly pledged for the full and complete payment of the debt, principal and interest. The principal and interest of such certificate shall be exempt from taxation by the State or any political subdivision thereof for any purpose.

Such certificate of indebtedness shall recite that it is issued for the purpose set forth in Section 1 of this Act and that it is issued in pursuance of this Act and the Constitution of this State and such recital shall be conclusive evidence of the authority of the State of Delaware to issue such certificate and of its validity. Upon the sale and delivery to said treasurer of the certificate of indebtedness for which provision is made in this Act, the legality and validity of such certificate shall never thereafter be questioned in any court of law or equity by the State of Delaware or by any person or persons for its use or in its behalf, and this provision shall be and become part of the contract and obligation represented by said certificate of indebtedness.

Section 3. Form of Certificate:—Such certificates of indebtedness shall conform as nearly as possible to the following form, to wit:

- (a) Certificate of indebtedness to the Trustee of the School Fund.
- (b) Certificate of indebtedness to the State Highway Department.

Pursuant to the constitution of the State of Delaware these presents certify and make known to all whom it may concern that the State of Delaware acknowledges its indebtedness to, and pledges its faith to pay to the State School Fund (or State Highway Department) in the full sum of \$..... lawful money of the

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United States of America to be used for the purpose of replenishing the General Fund of the State of Delaware, with interest thereon, at the rate of% per annum, which interest the said State, by and through its several State funds hereby faithfully promises to pay semi-annually on the first day of January and first day of July in every year of the life of said certificate after its issuance, beginning on the first day of January next, to the Trustee of the School Fund (or to the State Highway Department) at the Farmers' Bank of the State of Delaware at Dover, Delaware; and this certificate of indebtedness shall be payable at the aforesaid Farmers' Bank at Dover, Delaware, onA. D....., the day of its maturity, upon presentation thereat and surrender thereof, but it may be redeemed at the option of the State of Delaware at face value and accrued and unpaid interest, if any, on the first day of March or on the first day of September after this certificate of indebtedness shall have been issued five years, upon thirty days' notice in writing given to the Trustee of the School Fund.

IN WITNESS WHEREOF, The Great Seal of the State of Delaware is hereunto affixed, and the hands of the Governor, Secretary of State and State Treasurer subscribed this day of

in the year of our Lord one thousand nine hundred and thirty and of the independence of the United States the one hundred and

.....
Governor

.....
Secretary of State

.....
State Treasurer

Section 4. Certificates of Indebtedness—How Refunded:—
The Governor, Secretary of State and State Treasurer or a majority

TRANSFER OF FUNDS FOR USE OF GENERAL FUND

of them are hereby authorized, empowered and directed to have prepared, as hereinafter provided, bonds of the State of Delaware in the sum of \$....., the amount of the aforesaid certificates of indebtedness and no more, when and if during the life of the said certificates of indebtedness provided in this Act, the State Treasurer shall find that the moneys in the School Fund are insufficient to meet the appropriations made or to be made by the General Assembly for public school purposes, or if the State Treasurer shall find that the moneys to the credit of the State Highway Department shall be insufficient to meet the requirements of that Department in carrying out the purposes for which said Department was created. When and if the State Treasurer shall so find, he is hereby authorized and directed to sell any and all of the bonds authorized in this Section at not less than par and accrued interest for the purpose of meeting such deficiency. Such bonds shall be in denominations of One Thousand Dollars (\$1,000.00) or multiples thereof and shall have such coupon rate and maturity date as will enable them to be sold at a price of not less than par. The Governor, Secretary of State and State Treasurer or a majority of them are hereby authorized to determine the coupon rate and the maturity date of these bonds. The said bonds shall be numbered consecutively and shall be dated the first day of the month in the year of Our Lord in which they are issued. They shall bear interest from and after that date at the rate fixed as above, interest to be payable on the first day of January and the first day of July in each year in which such bonds remain unpaid, at the Farmers' Bank of the State of Delaware, upon presentation of coupons representing such semi-annual interest, which interest shall be paid by the State Treasurer from the same sources as provided in Section 3 of this Act, for interest payment on the certificate or certificates of indebtedness hereinbefore provided. The principal of said bonds shall be payable at said bankyears after date thereof on presentation and surrender thereof, but the said bonds or any of them may be redeemed at the option of the State at not exceeding one hundred and four (104) per centum of the principal on any interest payment date after the expiration of ten years from the date of issue upon thirty days' notice printed in one newspaper published in the City of Philadelphia and one newspaper published in the State of Dela-

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ware. The said bonds shall be signed in the name of the State by the Governor, the Secretary of State and the State Treasurer and shall have the Great Seal of the State of Delaware impressed thereon or affixed thereto. Attached interest coupons shall be authenticated by the signature or facsimile signature of the State Treasurer and said coupons attached to each bond shall be numbered consecutively and bear the number of the bond to which they are attached.

Section 5. Form of Bond:—The said bond shall be in the following form, to wit:

THE UNITED STATES OF AMERICA
STATE OF DELAWARE

No. General Fund Loan of 1935

These presents certify and make known that the State of Delaware is held and firmly bound unto the bearer in the sum of (Dollars) (\$.....), lawful money of the United States of America, which the said State promises and binds itself to pay at the Farmers Bank of the State of Delaware at Dover, on the first day of 19....., with interest at the rate of per centum per annum, likewise payable at the Farmers Bank of the State of Delaware at Dover on the first day of January and the first day of July of each and every year, while the said principal sum remains unpaid, upon the presentation, respectively, of the coupons hereto annexed representing such semi-annual installments of interest, provided, however, and it is expressly stipulated, that the said State reserves the right and power at its option to call in, pay and redeem this bond at one hundred and four per centum of its face value and accrued and unpaid interest thereon, if any, on any interest payment date after the expiration of ten years from the date of its issue, pursuant to the notice in that behalf prescribed by an Act of the General Assembly of the State of Delaware under the authority of which this bond is issued.

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Dated at Dover, Delaware, the first day of
19.....

WITNESSETH the Great Seal of the State of
Delaware and the hands of the Governor,
Secretary of State and State Treasurer, the
day and year aforesaid.

.....
Governor

.....
Secretary of State

.....
State Treasurer

Section 6. Form of Coupon:—The coupons attached to each
bond shall be in the following form, to wit:

No.....

The State of Delaware will pay to the bearer at the Farmers
Bank of the State of Delaware at Dover on the first day of
.....A. D. 19..... the sum of.....
Dollars for six months' interest on bond No..... General Fund
Loan of 1935. Dated.....

.....
State Treasurer

It shall be the duty of the State Treasurer to provide a record
of the proper size and form to be retained in his office so ruled as
to afford a separate space for each coupon and the space at the top
of each page of said record for each bond when paid, and each
space at the top of said record shall bear the same number as the
bond, the record whereof is intended to be preserved. As the said
coupons are paid, it shall be the duty of the State Treasurer to mark
the same in red ink across the face "Paid", cut each of them into

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two pieces lengthwise, paste the pieces in the aforesaid space for coupons in the record aforesaid.

Section 7. Redemption Receipt Form:—As the said bonds shall be paid and redeemed, the State Treasurer shall cause the same to be cancelled by making a line with red ink through the signatures of the Governor, Secretary of State and State Treasurer and also writing across the face thereof in red ink the words:

This bond paid and redeemed this..... day of
..... A. D. 19.....

.....
State Treasurer

When paid and redeemed the said bonds shall be pasted in the proper spaces aforesaid.

Section 8. Sale of Bonds:—The State Treasurer is hereby directed to advertise twice a week for four successive weeks, in such newspapers and journals in and out of the State of Delaware as in his judgment may be conducive to the sale of said bonds, that he will receive bids at such place or places as may be named in said advertisement for such bonds under such regulations as may be made in the discretion of the State Treasurer, and upon the day mentioned in said advertisement as the day for opening of the bids for said bonds, the said State Treasurer shall receive such bids for the purchase of such bonds and, on opening of said bids, shall award such bonds to the highest responsible bidder or bidders therefor, for cash, provided the amount bidden is not less than the amount required by the provisions of this Act and is adequate in the judgment of the said State Treasurer. If two or more responsible bidders have made the same bid and such bid is the highest, the bonds shall be awarded to such highest responsible bidders bidding the same price in a ratable proportion. If the said bonds so offered for sale are not bid for, or if an insufficient price be bid for them, they may be subsequently disposed of under the direction of the said State Treasurer, at private sale upon the best terms he

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can obtain for the same, provided that said bonds shall not be so sold for less than the highest price, if any, that shall have been bid for them. The State Treasurer upon receipt of any money from the proceeds of the sale of such bonds shall place the same to the credit of the State School Fund (or State Highway Department) and such moneys so received are hereby appropriated for the purpose of refunding or redeeming the certificates of indebtedness as provided for in this Act, or so much thereof as remains unredeemed, in the amount equal to the sum received from the proceeds of the sale of such bonds, and the interest thereon shall be payable in accordance with the unredeemed portion of said certificate.

Section 9. Amortization of Debt:—After the creation of the indebtedness of this State as authorized by this Act, for the purpose of amortizing and paying said indebtedness and retiring the certificate of indebtedness evidencing the same, the State Treasurer shall be and he is hereby authorized and directed to apply the State Sinking Fund or any other State fund which may be specifically provided for that purpose by Legislative act.

Section 10. Expenses—How Paid:—Any expense incurred for engraving and printing, clerical, legal or other services necessary to carry out the duties imposed on the Governor, Secretary of State and State Treasurer by the provisions of this Act shall be paid from the State Treasury from moneys not otherwise appropriated.

Section 11. Date Effective:—This Act shall become in full force and effect upon its approval.

Approved February 28, 1935.

CHAPTER 15

TRANSFER OF FUNDS FOR USE OF UNIVERSITY OF DELAWARE STATE COLLEGE FOR COLORED STUDENTS AND STATE BOARD OF VOCATIONAL EDUCATION

AN ACT TO AMEND ARTICLE 8, CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE AS AMENDED BY CHAPTER 6, VOLUME 36, LAWS OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Article 8, Chapter 6 of the Revised Code of Delaware as amended by Chapter 6, Volume 36, Laws of Delaware, be and the same is hereby amended by inserting a new paragraph as follows:

For the fiscal year beginning July 1, 1935, and ending June 30, 1936, the sum of Four Hundred and Nineteen Thousand Five Hundred and Twenty-nine Dollars and Fifty-three cents (\$419,529.53) shall be paid by the State Tax Department out of the proceeds of the franchise tax as established by Article 8, Chapter 6 of the Revised Code of Delaware and assessed and collected thereunder; and, for the fiscal year beginning July 1, 1936, and ending June 30, 1937, a further sum of Four Hundred and Nineteen Thousand, Five Hundred and Twenty-nine Dollars and Fifty-three cents (\$419,529.53) shall likewise be paid by the State Tax Department out of the proceeds of the Franchise Tax as established by Article 8, Chapter 6 of the Revised Code and assessed and collected thereunder, to the State Treasurer. The sums so paid as aforesaid to the State Treasurer shall be deposited by him and such sums shall be utilized as follows:

1. For the payments of the sums set forth and appropriated in the General Appropriation Act of the One Hundred Fifth General Assembly of the State of Delaware under item J "Education", and comprising sums appropriated for the University of Delaware, the State College for Colored and the State Board Vocational Education, to-wit, Three Hundred and Twenty-nine Thousand, Five Hundred and Twenty-nine Dollars and Fifty-three cents (\$329,-

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STATE COLLEGE FOR COLORED STUDENTS AND STATE
BOARD OF VOCATIONAL EDUCATION

029.53)* for the fiscal year beginning July 1, 1935, and ending June 30, 1936, and Three Hundred and Twenty-nine Thousand, Five Hundred and Twenty-nine Dollars and Fifty-three cents (\$329,029.53)* for the fiscal year beginning July 1, 1936, and ending June 30, 1937, which said sums are appropriated for such purposes.

2. There is hereby appropriated out of the funds to be so transferred for the fiscal year beginning July 1, 1935, and ending June 30, 1936, the sum of ninety thousand dollars, and the further sum of ninety thousand dollars is hereby appropriated out of the funds to be so transferred for the fiscal year beginning July 1, 1936, and ending June 30, 1937, the sums so appropriated shall be paid out of the funds to be transferred in accordance with this Act, and shall be utilized for the operation and maintenance of the State Tax Department for the fiscal years set forth herein.

The provisions of this Section, and the provisions of paragraph numbered 4, Section 58, Article XIII, Chapter 160, Volume 32, Laws of Delaware, and all other Acts, insofar as they may relate to and are in conflict with the payment of the proceeds of the franchise tax by the State Tax Department to the State Treasurer to be by him deposited as hereinbefore provided are declared to be and are hereby suspended to the extent and purport of this Act only until the State Treasurer shall have certified to the State Tax Department that the total sum of Eight Hundred Thirty-nine Thousand and Fifty-nine Dollars and Six Cents (\$839,059.06), has been deposited as hereinabove provided; and, upon such certification, the said above mentioned provisions of said Acts, so as aforesaid declared to be suspended, shall again be in full force, operation and effect.

Approved March 20, 1935.

*So enrolled.

CHAPTER 16

TRANSFER OF FUNDS FROM SINKING FUND TO
THE GENERAL FUND

AN ACT AUTHORIZING AND DIRECTING THE STATE TREASURER TO TRANSFER MONEY FROM THE SINKING FUND OF THE STATE TO THE GENERAL FUND.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

WHEREAS, it is proposed to refund the outstanding State Highway Bonds, by issuing in lieu thereof and in payment thereof, new Bonds at a lower rate of interest; and

WHEREAS, in the refunding of the said Bonds by issuing new Bonds at a lower rate of interest, there will be in the Sinking Fund the sum of Six Hundred Thousand Dollars that will not be needed for Sinking Fund Purposes.

Therefore, be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That, if and when, the outstanding State Highway Bonds have been refunded by the issuing of new Bonds at a lower rate of interest, and a sum equal to Six Hundred Thousand Dollars is thereby saved to the State in interest and therefore no longer required to be retained in the Sinking Fund of the State, then and in such event, the State Treasurer be and he is hereby authorized, fully empowered and directed to transfer from the Sinking Fund to the General Fund the sum of Six Hundred Thousand Dollars.

Section 2. That any act or any part of any act inconsistent with the provisions of this Act be and the same is hereby repealed to the extent and only to the extent of any such inconsistency.

Approved April 15, 1935.

CHAPTER 17

AUTHORITY TO BORROW MONEY AND ISSUE CERTIFICATES OF INDEBTEDNESS THEREFOR

AN ACT AUTHORIZING THE BORROWING OF MONEY AND THE CREATION OF A DEBT BY AND ON BEHALF OF THE STATE OF DELAWARE, AND THE ISSUANCE OF CERTIFICATES OF INDEBTEDNESS OF THE STATE, IN A SUM NOT TO EXCEED SEVEN HUNDRED THOUSAND DOLLARS, TO MEET A CASUAL DEFICIENCY IN THE GENERAL FUND OF THE STATE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Governor, the Secretary of State, and the State Treasurer, of the State of Delaware, herein sometimes referred to as the "issuing officers", are hereby authorized, fully empowered and directed, to borrow from the President, Directors and Company of the Farmers Bank of the State of Delaware, a corporation of the State of Delaware, upon the faith and credit of the State of Delaware, a sum not in excess of Seven Hundred Thousand Dollars, to meet any casual deficiency or deficiencies in the General Fund occurring during the remainder of the fiscal year ending June 30, 1935, and to issue certificates of indebtedness of the State for said purpose. The said certificates may be issued at one time, or from time to time, and the said "issuing officers" shall determine all matters in connection therewith, subject to the provisions contained in this act.

Section 2. That the said certificates of indebtedness, issued in accordance with the provisions of this act, shall be a direct general obligation of the State, and the public faith and credit of the State is hereby expressly pledged for the full and complete payment of the debt, principal and interest. The principal and interest of such certificates shall be exempt from taxation by the State or by any political subdivision thereof, for any purpose.

Section 3. That the said certificates of indebtedness shall be signed in the name of the State of Delaware by the Governor, the

AUTHORITY TO BORROW MONEY AND ISSUE CERTIFICATES
OF INDEBTEDNESS THEREFOR

Secretary of State, and the State Treasurer, and shall have the great seal of the State impressed thereon. Attached interest coupons, if any, shall be authenticated by the signature or facsimile signature of the State Treasurer. The said certificates may be issued notwithstanding that any of the officers signing them or whose facsimile signature appears on the coupons shall have ceased to hold office at the time of such issue or at the time of the delivery of such certificates to the said Farmers Bank.

Section 4. That the said certificates of indebtedness shall recite that they are issued for the purpose set forth in Section One of this act, and that they are issued in pursuance of this act, and the constitution of this State, and such recital shall be conclusive evidence of the authority of the State to issue such certificates and of their validity. Any such certificates containing such recital shall, in any suit, action or proceeding involving their validity, be conclusively deemed to be fully authorized by this act and to have been issued, executed and delivered in conformity herewith, and shall be incontestable for any cause.

Section 5. That the said certificates of indebtedness shall be in such form and in such denomination and may contain such other and further recital and be subject to such terms and conditions, with such privileges as to registration, conversion, reconversion, redemption, and exchange, and may contain such other provisions, as may be determined by the said "issuing officers."

Section 6. That the said certificates of indebtedness, shall bear interest payable semi-annually at a rate of interest not exceeding two percentums per annum.

Section 7. That the said certificates of indebtedness shall mature as the "issuing officers" may determine.

Section 8. That any and all money received under the provisions of this act shall be at once credited to the general fund of the State and shall be used exclusively for the purpose set forth in this act.

**AUTHORITY TO BORROW MONEY AND ISSUE CERTIFICATES
OF INDEBTEDNESS THEREFOR**

Section 9. That the Budget Appropriation Bill enacted and approved by the General Assembly at the One Hundred and Fifth Session, and at each and every subsequent biennial session thereof, shall contain under the Debt Service Item provisions for the payment of maturity principal and interest of certificates of indebtedness issued by virtue of this act, and such revenues of the State of Delaware that are not prohibited by constitutional provisions or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellations of such certificates of indebtedness and the payment of the interest thereon.

Approved February 4, 1935.

CHAPTER 18

AUTHORIZING STATE OF DELAWARE TO BORROW
\$425,000.00 AND ISSUE BONDS THEREFOR

AN ACT AUTHORIZING THE BORROWING OF MONEY AND THE CREATION OF A DEBT BY OR IN BEHALF OF THE STATE OF DELAWARE, FOR THE ERECTION, REPAIRS AND IMPROVEMENTS OF BUILDINGS AT INSTITUTIONS OF THE STATE, AND FOR THE PAYMENT OF A PORTION OF THE COST OF CONSTRUCTION OF THE INLET WITH THE INDIAN RIVER AND REHOBOTH BAYS, AND THE ISSUANCE OF BONDS THEREFOR.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each branch thereof concurring therein):

Section 1. That the Governor, the State Treasurer and the Secretary of State, of the State of Delaware, herein sometimes referred to as the "issuing officers", are hereby authorized, fully empowered and directed, to borrow, upon the faith and credit of the State of Delaware, a sum of money not in excess of Four Hundred and Twenty-five Thousand Dollars (\$425,000.00), Three Hundred and Twenty-five Thousand Dollars (\$325,000.00) of which is to be used for the erection, repairs and improvements of buildings at Institutions of the State, One Hundred Thousand Dollars (\$100,000.00) to be used to pay a portion of the cost of construction of the Inlet into the Indian River and Rehoboth Bays, and to issue bonds of The State of Delaware in a sum not in excess of Four Hundred and Twenty-five Thousand Dollars (\$425,000.00) for the said purpose. The said bonds may be issued at one time, or from time to time, and the said "issuing officers" shall determine all matters in connection therewith, subject to the provisions contained in this Act.

Section 2. That the said bonds, issued in accordance with the provisions of this Act, shall be a direct general obligation of the State, and the public faith and credit of the State is hereby expressly pledged for the full and complete payment of the debt,

AUTHORIZING STATE OF DELAWARE TO BORROW \$425,000.00
AND ISSUE BONDS THEREFOR

principal and interest. The principal and interest of the said bonds shall be exempt from taxation by the State or by any political subdivision thereof, for any purpose whatever.

Section 3. That the said bonds shall be signed in the name of the State of Delaware by the Governor, the Secretary of State, and the State Treasurer, and shall have the great seal of the State impressed thereon. Attached interest coupons shall be authenticated by the signature or facsimile signature of the State Treasurer. The said bonds may be issued notwithstanding that any of the officers signing them or whose facsimile signature appears on the coupons shall have ceased to hold office at the time of such issue or at the time of the delivery of said bonds.

Section 4. That the said bonds shall recite that they are issued for the purpose set forth in Section One of this Act, and that they are issued in pursuance of this Act and the constitution of this State, and such recital shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any such bonds containing such recital shall, in any suit, action or proceeding involving their validity, be conclusively deemed to be fully authorized by this Act and to have been issued, executed and delivered in conformity herewith, and shall be incontestable for any cause.

Section 5. That the said bonds shall be in such form and in such denomination and may contain such other and further recital and be subject to such terms and conditions, with such privileges as to registration, conversion, reconversion, redemption, and exchange, and may contain such other provisions, as may be determined by the said "issuing officers."

Section 6. That the said bonds shall bear interest payable semi-annually at a rate of interest not exceeding three percentum (3%) per annum.

Section 7. That the said bonds shall mature as the "issuing

AUTHORIZING STATE OF DELAWARE TO BORROW \$425,000.00
AND ISSUE BONDS THEREFOR

officers" may determine; provided, however, that beginning after June 30, 1937, not less than Fifteen Thousand Dollars (\$15,000.00) of the principal debt hereby authorized shall be paid each year until the total of the said debt is fully paid.

Section 8. That all money received from the sale of the said bonds authorized under the provisions of this Act shall be deposited by the State Treasurer in a Special Fund, at the Farmers' Bank of the State of Delaware, at Dover, to be opened by him for such purpose, and shall be used exclusively for the purpose set forth in this Act, and shall be allocated to the institutions of the State and the project referred to in Section 1 of this Act, in the amounts and proportions to each, as designated in and allocated by certain Acts of the present General Assembly appropriating to such institutions of the State the money received from the sale of the said bonds authorized by this Act.

Section 9. That the Budget Appropriation Bill enacted and approved by the General Assembly at the One Hundred and Sixth Session, and at each and every subsequent biennial session thereof, shall contain under the Debt Service Item provisions for the payment of maturity principal and interest of said bonds issued by virtue of this Act, and such revenues of the State of Delaware that are not prohibited by constitutional provisions or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellations of the said bonds and the payment of the interest thereon.

Approved April 12, 1935.

CHAPTER 19

REFUNDING OF CERTAIN HIGHWAY BONDS

AN ACT AUTHORIZING THE REFUNDING OF CERTAIN HIGHWAY BONDS OF THE STATE OF DELAWARE BY ISSUING REFUNDING BONDS THEREFOR.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That The State of Delaware is hereby authorized and empowered to borrow, upon the faith and credit of The State of Delaware, the sum of Two Million Seven Hundred and Five Thousand Dollars (\$2,705,000.00) for the purpose of refunding certain State Highway Bonds in said total sum of Two Million Seven Hundred and Five Thousand Dollars (\$2,705,000.00), heretofore issued by The State of Delaware pursuant to law, and for the purpose of securing the payment of such sum to issue new bonds therefor to be known as "State Highway Refunding Bonds."

Section 2. That the said bonds shall be of the denomination of One Thousand Dollars (\$1,000.00) each, with coupons thereto attached for each half year's interest thereon, the said bonds shall be dated the first day of July A. D. 1935, and shall be numbered consecutively. They shall bear interest from and after the first day of July A. D. 1935 at three per centum (3%) per annum, interest payable semi-annually, on the first day of January and July in each year thereafter which said bonds remain unpaid, at the Farmers' Bank of The State of Delaware, at Dover, upon presentation of a coupon representing such semi-annual interest.

Section 3. Said bonds shall be divided into twenty-seven classes and paid at their face value as follows:

Class	Amounts	Year of Maturity
A	\$100,000.00	1938
B	100,000.00	1939
C	100,000.00	1940

AUTHORIZING STATE OF DELAWARE TO BORROW \$425,000.00
AND ISSUE BONDS THEREFOR

officers" may determine; provided, however, that beginning after June 30, 1937, not less than Fifteen Thousand Dollars (\$15,000.00) of the principal debt hereby authorized shall be paid each year until the total of the said debt is fully paid.

Section 8. That all money received from the sale of the said bonds authorized under the provisions of this Act shall be deposited by the State Treasurer in a Special Fund, at the Farmers' Bank of the State of Delaware, at Dover, to be opened by him for such purpose, and shall be used exclusively for the purpose set forth in this Act, and shall be allocated to the institutions of the State and the project referred to in Section 1 of this Act, in the amounts and proportions to each, as designated in and allocated by certain Acts of the present General Assembly appropriating to such institutions of the State the money received from the sale of the said bonds authorized by this Act.

Section 9. That the Budget Appropriation Bill enacted and approved by the General Assembly at the One Hundred and Sixth Session, and at each and every subsequent biennial session thereof, shall contain under the Debt Service Item provisions for the payment of maturity principal and interest of said bonds issued by virtue of this Act, and such revenues of the State of Delaware that are not prohibited by constitutional provisions or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellations of the said bonds and the payment of the interest thereon.

Approved April 12, 1935.

CHAPTER 19

REFUNDING OF CERTAIN HIGHWAY BONDS

AN ACT AUTHORIZING THE REFUNDING OF CERTAIN HIGHWAY BONDS OF THE STATE OF DELAWARE BY ISSUING REFUNDING BONDS THEREFOR.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That The State of Delaware is hereby authorized and empowered to borrow, upon the faith and credit of The State of Delaware, the sum of Two Million Seven Hundred and Five Thousand Dollars (\$2,705,000.00) for the purpose of refunding certain State Highway Bonds in said total sum of Two Million Seven Hundred and Five Thousand Dollars (\$2,705,000.00), heretofore issued by The State of Delaware pursuant to law, and for the purpose of securing the payment of such sum to issue new bonds therefor to be known as "State Highway Refunding Bonds."

Section 2. That the said bonds shall be of the denomination of One Thousand Dollars (\$1,000.00) each, with coupons thereto attached for each half year's interest thereon, the said bonds shall be dated the first day of July A. D. 1935, and shall be numbered consecutively. They shall bear interest from and after the first day of July A. D. 1935 at three per centum (3%) per annum, interest payable semi-annually, on the first day of January and July in each year thereafter which said bonds remain unpaid, at the Farmers' Bank of The State of Delaware, at Dover, upon presentation of a coupon representing such semi-annual interest.

Section 3. Said bonds shall be divided into twenty-seven classes and paid at their face value as follows:

Class	Amounts	Year of Maturity
A	\$100,000.00	1938
B	100,000.00	1939
C	100,000.00	1940

REFUNDING OF CERTAIN HIGHWAY BONDS

Class	Amounts	Year of Maturity
D	100,000.00	1941
E	100,000.00	1942
F	100,000.00	1943
G	100,000.00	1944
H	100,000.00	1945
I	100,000.00	1946
J	100,000.00	1947
K	100,000.00	1948
L	100,000.00	1949
M	100,000.00	1950
N	100,000.00	1951
O	100,000.00	1952
P	100,000.00	1953
Q	100,000.00	1954
R	100,000.00	1955
S	100,000.00	1956
T	100,000.00	1957
U	100,000.00	1958
V	100,000.00	1959
W	100,000.00	1960
X	100,000.00	1961
Y	100,000.00	1962
Z	100,000.00	1963
AA	105,000.00	1964

Section 4. The principal of said bonds shall be payable at the Farmers' Bank of The State of Delaware, at Dover, on the first day of July of the year of maturity according to the class thereof as provided by Section 3 hereof, on presentation and surrender of said bonds.

Said bonds shall be prepared under the supervision of the Secretary of State, and shall be signed by the Governor, Secretary of State and State Treasurer on behalf of The State of Delaware, and shall have the Great Seal of the State impressed thereon.

The signature of the said Treasurer shall be engraved, printed

REFUNDING OF CERTAIN HIGHWAY BONDS

or written on such coupon, and when printed or engraved shall have the same effect as if written, and the coupon attached to each bond shall be numbered consecutively, and bear the number and/or class of the bonds to which it is attached to identify it therewith.

Section 5. The bonds to be issued shall be in the following form, except that the blanks be appropriately filled in before the said bonds shall be issued, to wit:

UNITED STATES OF AMERICA
THE STATE OF DELAWARE

Class.....

Number..... \$1,000.00

STATE HIGHWAY REFUNDING BONDS

These presents certify and make known The State of Delaware is held and firmly bound unto the bearer in the sum of One Thousand Dollars (\$1,000.00), lawful money of the United States of America, which the said State promises and binds itself to pay to the bearer at the Farmers' Bank of The State of Delaware, at Dover, on the first day of July, A. D. 19...., with interest at the

rate of three per centum (3%) per annum, likewise payable at the Farmers' Bank of The State of Delaware, at Dover, on the first days of January and July of each and every year, while the said principal sum remains unpaid, upon the presentation of the coupon as hereto annexed representing such semi-annual installment of interest.

Dated at Dover the first day of July,
A. D. 1935.

(GREAT SEAL)

WITNESS the Great Seal of The State of Delaware, and the hands of the Governor, Secretary of State and State Treasurer, the day and year aforesaid.

REFUNDING OF CERTAIN HIGHWAY BONDS

.....
Governor

.....
Secretary of State

.....
State Treasurer

And the coupons shall be in the following form, to wit:

No.....

The State of Delaware will pay to the bearer at the Farmers' Bank of The State of Delaware, at Dover, on the first day ofA. D. 19....., the sum ofDollars (\$), for six months' interest on bond No..... Class..... of State Highway Refunding Bonds.

Dated July 1st, 1935.

.....
State Treasurer

Section 6. The public faith of The State of Delaware is hereby expressly pledged for the full and complete payment of the debt, principal and interest by this Act authorized and the bonds hereby authorized to be issued and the coupons thereto attached, and the said bonds shall be exempt from taxation by the State or any political subdivision thereof for any purpose.

Section 7. Upon sale and delivery to the purchaser thereof of any bond issued under the provisions of this Act, the right, power and authority for the issuance of said bonds and the legality and validity of such bonds and of the principal debt and interest

REFUNDING OF CERTAIN HIGHWAY BONDS

represented thereby shall be conclusive upon The State of Delaware, and all and every other person whatsoever, and the legality and validity of such bonds thereafter shall never be questioned in any Court of law or equity by The State of Delaware or any person or persons for its use or in its behalf, and this provision shall be and become part of the contract and obligation represented by said bond.

Section 8. Said bonds, or any part thereof, may be sold when and as the Governor, Secretary of State and the State Treasurer of this State, or the majority of them, shall determine, and to this end, the Governor, Secretary of State and State Treasurer of this State are hereby authorized and directed to advertise twice a week for four successive weeks in such newspapers and journals in and out of the State as in their judgment may be conducive to the sale of said bonds, that they will receive bids at such place or places that may be named in said advertisement for such bonds under such regulations as may be made in the discretion of the Governor, Secretary of State and State Treasurer, and accrued interest between the date of the bonds and the time of sale and delivery of and payment of such bonds shall be adjusted with the purchaser thereof under such regulations as may be made in the discretion of the Governor, Secretary of State and State Treasurer, provided that any overdue coupons attached to the bonds shall be before the sale of said bonds, be detached and cancelled in accordance with the provisions of this Act, and upon the day mentioned in said advertisement as the day for opening of the bids for said bonds, the said Governor, Secretary of State and State Treasurer, or the majority of them, shall receive such bids for the purpose of all or such number of the bonds designated in said advertisement to be sold, and on opening of said bids as many of said bonds as shall have been bid for, shall be awarded by the said Governor, Secretary of State and State Treasurer, to the highest responsible bidder or bidders therefor, for cash, provided, the amount bidden is adequate in the judgment of the Governor, Secretary of State and State Treasurer, or the majority of them. If two or more bidders have made the same bid and such bid is the highest, and the bonds so bid for by the highest responsible bidders are in excess of the whole amount of the bonds so offered for sale, such bonds

REFUNDING OF CERTAIN HIGHWAY BONDS

shall be awarded to such highest responsible bidders bidding the same price in a ratable proportion. If any of said bonds so offered for sale are not bid for, or if any insufficient price be bid for them, they may be subsequently disposed of under the direction of the Governor, Secretary of State and State Treasurer at private sale upon the best terms they can obtain for the same, provided, that they shall not be sold at private sale for less than par and accrued interest.

Section 9. All moneys received from the sale of any or all of said bonds after the payment of the proper charges and expenses incident to the preparation and sale thereof, shall be deposited with the Farmers' Bank of the State of Delaware, at Dover, by the State Treasurer in a separate account, to be opened by him for that purpose, and shall be used for the payment and/or refunding of State Highway Bonds heretofore issued under authority of Chapter 63 of 29 Delaware Laws, as amended, and for no other purpose whatever.

Section 10. As soon as practical after the receipt of moneys from the sale of bonds authorized by this Act, the now outstanding State Highway Bonds of this State, issued pursuant to the provisions of Chapter 63 of 29 Delaware Laws, as amended, shall be called for payment by the proper officers and shall be redeemed and fully paid and cancelled pursuant to the provisions of said Chapter.

Section 11. It shall be the duty of the State Treasurer to provide a record of proper size and form to be retained in his office so ruled as to afford a separate space for each coupon and the space at the top of each page of said record for each bond when paid, and each space at the top of said record shall bear the same number and class as the bond, the record whereof is intended to be preserved. As the said coupons are paid, it shall be the duty of the State Treasurer to mark the same in red ink across the face "Paid", cut each of them in two lengthwise, paste the pieces in the aforesaid spaces for each coupon in the record aforesaid, and as the said bonds shall be paid and redeemed the State Treasurer shall cause the same to be cancelled by making lines with red ink through

REFUNDING OF CERTAIN HIGHWAY BONDS

the signatures of the Governor, Secretary of State and State Treasurer, also by writing across the face thereof, in red ink, the words

"This bond paid and redeemed this.....day of

.....A. D....."

.....
State Treasurer

And all coupons unmatured and surrendered with each bond redeemed shall each likewise be endorsed "Cancelled by the redemption of Bond No....." in red ink. When paid or redeemed the said bonds shall be pasted in the proper spaces aforesaid.

Approved April 15, 1935.

CHAPTER 20

REFUNDING OF CERTAIN HIGHWAY BONDS

AN ACT AUTHORIZING THE REFUNDING OF CERTAIN HIGHWAY BONDS OF THE STATE OF DELAWARE BY ISSUING REFUNDING BONDS THEREFOR.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That The State of Delaware is hereby authorized and empowered to borrow, upon the faith and credit of The State of Delaware, the sum of Two Million Eight Hundred and Forty Thousand Dollars (\$2,840,000.00), for the purpose of refunding certain State Highway Bonds in said total sum of Two Million Seven Hundred and Five Thousand Dollars (\$2,705,000.00), heretofore issued by The State of Delaware pursuant to law, and for the purpose of securing the payment of such sum to issue new bonds therefor, to be known as "State Highway Refunding Bonds."

Section 2. That the said bonds shall be of the denomination of One Thousand Dollars (\$1,000.00) each, with coupons thereto attached for each half year's interest thereon. The said bonds shall be dated the first day of April, A. D. 1935, and shall be numbered consecutively. The said bonds shall bear interest from and after the first day of April, A. D. 1935, at the following rates, to-wit: all of the said bonds included in Classes A to J, inclusive, and maturing in any of the years 1938 to 1947 inclusive, as provided in Section 3 of this Act, shall bear interest from and after the first day of April A. D. 1935, at the rate of two and one-fourth per centum ($2\frac{1}{4}\%$) per annum; and all of the said bonds included in Classes K to T, inclusive, and maturing in any of the years 1948 to 1957, inclusive, as provided in said Section 3 of this Act, shall bear interest from and after the said first day of April A. D. 1935, at the rate of Two and one-half per centum ($2\frac{1}{2}\%$) per annum; and all of the said bonds included in Classes U to CC, inclusive, and maturing in any of the years 1958 to 1966, inclusive, as provided in said Section 3 of this Act, shall bear interest from and after the said first day of April, A. D. 1935, at the rate of two

REFUNDING OF CERTAIN HIGHWAY BONDS

and three-fourths percentum ($2\frac{3}{4}\%$) per annum; the said interest shall be payable semi-annually, on the first day of October and April in each year thereafter in which the said bonds remain unpaid, at the Farmers' Bank of The State of Delaware, at Dover, upon presentation of coupons representing such semi-annual interest.

Section 3. That the said bonds shall be divided into twenty-nine classes and paid at their face value as follows:

Class	Amounts	Year of Maturity
A	\$100,000.00	1938
B	100,000.00	1939
C	100,000.00	1940
D	100,000.00	1941
E	100,000.00	1942
F	100,000.00	1943
G	100,000.00	1944
H	100,000.00	1945
I	100,000.00	1946
J	100,000.00	1947
K	100,000.00	1948
L	100,000.00	1949
M	100,000.00	1950
N	100,000.00	1951
O	100,000.00	1952
P	100,000.00	1953
Q	100,000.00	1954
R	100,000.00	1955
S	100,000.00	1956
T	100,000.00	1957
U	100,000.00	1958
V	100,000.00	1959
W	100,000.00	1960
X	100,000.00	1961
Y	100,000.00	1962
Z	100,000.00	1963
AA	100,000.00	1964
BB	100,000.00	1965
CC	40,000.00	1966

REFUNDING OF CERTAIN HIGHWAY BONDS

Section 4. The principal of said bonds shall be payable at the Farmers' Bank of The State of Delaware, at Dover, on the first day of April of the year of maturity, according to the class thereof, as provided by Section 3 of this Act, on presentation and surrender of said bonds, but the said bonds, or any of them, may be redeemed when so determined by the Governor and State Treasurer, at the option of The State of Delaware, at the rate of one hundred and two and one-half per centum (102½%) of the principal debt of the bond redeemed, on any first day of April or first day of October after the said bond or any of them shall have been issued one year, upon thirty (30) days' notice published in one newspaper in the City of Philadelphia, and one newspaper published in The State of Delaware, indicating by their numbers and/or class the bonds thereby called and elected to be redeemed.

Said bonds shall be prepared under the supervision of the Secretary of State, and shall be signed by the Governor, Secretary of State and State Treasurer on behalf of The State of Delaware, and shall have the Great Seal of the State impressed thereon.

The signature of the said State Treasurer shall be engraved, printed or written on each coupon, and when printed or engraved shall have the same effect as if written, and the coupons attached to each bond shall be numbered consecutively, and bear the number and/or class of the bond to which it is attached to identify it therewith.

Section 5. That the bonds to be issued shall be in the following form, except that the blanks shall be appropriately filled in before the said bonds shall be issued, to-wit:

UNITED STATES OF AMERICA
THE STATE OF DELAWARE

Class.....

Number.....

\$1,000.00

STATE HIGHWAY REFUNDING BONDS

These presents certify and make known that The State of Dela-

REFUNDING OF CERTAIN HIGHWAY BONDS

ware is held and firmly bound unto the bearer in the sum of One Thousand Dollars (\$1,000.00), lawful money of the United States of America, which the said State promises and binds itself to pay to the bearer at the Farmers' Bank of the State of Delaware, at Dover, on the first day of April A. D. 19...., with interest at the rate of (if the said bond is included in any of the Classes A to J, inclusive, and maturing in any of the years 1938 to 1947, inclusive, as provided in Section 3 of this Act, "two and one-fourth percentum ($2\frac{1}{4}\%$) per annum"; if the said bond is included in any of the Classes K to T, inclusive, and maturing in any of the years 1948 to 1957, inclusive, as provided in said Section 3 of this Act, "two and one-half percentum ($2\frac{1}{2}\%$) per annum"; and if the said bond is included in any of the Classes U to CC inclusive, and maturing in any of the years 1958 to 1966, inclusive, as provided in said Section 3 of this Act, "two and three-fourths percentum ($2\frac{3}{4}\%$) per annum",) likewise payable at the Farmers' Bank of the State of Delaware, at Dover, on the first days of October and April of each and every year, while the said principal sum remains unpaid, upon the presentation of the coupon as hereto annexed representing such semi-annual installment of interest provided, however, and it is expressly stipulated, that the said State reserves the right and power, at its option, to call in, pay and redeem this bond at the rate of one hundred and two and one-half percentum ($102\frac{1}{2}\%$) of the principal debt hereof, on any first day of October or April on or after April 1, A. D. 1936, pursuant to the notice in that behalf prescribed by the Act of the General Assembly under authority of which this bond is issued; and provided further, that when this bond shall be called by the notice aforesaid, interest hereon shall cease to accrue from and after the first day of October or April (as the case may be) next succeeding the date of such notice.

Dated at Dover the first day of April, A. D. 1935.

(Great Seal)

WITNESS the Great Seal of The State of Delaware, and the hands of the Governor, Secretary of State and State Treasurer, the day and year aforesaid.

REFUNDING OF CERTAIN HIGHWAY BONDS

Governor

Secretary of State

State Treasurer

And the coupons shall be in the following form, to-wit:

No.....

The State of Delaware will pay to the bearer at the Farmers' Bank of The State of Delaware, at Dover, on the first day of
 , A. D. 19 , the sum of
 Dollars (\$) , for six months' interest on bond No.
 Class..... of State Highway Refunding Bonds.

Dated April 1, 1935.

State Treasurer

Section 6. That the public faith and credit of The State of Delaware is hereby expressly pledged for the full and complete payment of the debt, principal and interest by this Act authorized and the bonds hereby authorized to be issued and the coupons thereto attached, and the said bonds shall be exempt from taxation by the State or any political subdivision thereof for any purpose.

Section 7. That upon the sale and delivery to the purchaser thereof of any bond issued under the provisions of this Act, the right, power and authority for the issuance of said bonds and the legality and validity of such bonds and of the principal debt and interest represented thereby shall be conclusive upon The State of Delaware, and all and every other person whatsoever, and the

REFUNDING OF CERTAIN HIGHWAY BONDS

legality and validity of such bonds thereafter shall never be questioned in any Court of law or equity by The State of Delaware or any person or persons for its use or in its behalf, and this provision shall be and become part of the contract and obligation represented by said bond.

Section 8. That the said bonds, or any part thereof, may be sold when and as the Governor, Secretary of State and the State Treasurer of this State, or the majority of them, shall determine, and to this end, the Governor, Secretary of State and State Treasurer of this State are hereby authorized and directed to advertise twice a week for four successive weeks in such newspapers and journals in and out of the State as in their judgment may be conducive to the sale of said bonds, that they will receive bids at such place or places that may be named in said advertisement for such bonds under such regulations as may be made in the discretion of the Governor, Secretary of State and State Treasurer; and the accrued interest between the date of the bonds and the time of the sale and delivery of and payment of such bonds shall be adjusted with the purchaser thereof under such regulations as may be made in the discretion of the Governor, Secretary of State and State Treasurer; provided, that any overdue coupons attached to the bonds shall, before the sale of said bonds, be detached and cancelled in accordance with the provisions of this Act, and upon the day mentioned in said advertisement as the day for opening of the bids for said bonds, the said Governor, Secretary of State and State Treasurer, or the majority of them, shall receive such bids for all or such number of the bonds as designated in said advertisement to be sold, and on opening of said bids as many of said bonds shall have been bid for, shall be awarded by the said Governor, Secretary of State and State Treasurer, to the highest responsible bidder or bidders therefor, for cash; provided, that the amount bidden is adequate in the judgment of the Governor, Secretary of State and State Treasurer, or the majority of them. If two or more bidders have made the same bid and such bid is the highest, and the bonds so bid for by the highest responsible bidders are in excess of the whole amount of the bonds so offered for sale, such bonds shall be awarded to such highest responsible bidders bidding the same price in a

REFUNDING OF CERTAIN HIGHWAY BONDS

ratable proportion. If any of said bonds so offered for sale are not bid for, or if any insufficient price be bid for them, they may be subsequently disposed of under the direction of the Governor, Secretary of State and State Treasurer, at private sale upon the best terms they can obtain for the same; provided, that they shall not be sold at private sale for less than par and accrued interest.

Section 9. That all moneys received from the sale of any or all of said bonds, after the payment of the proper charges and expenses incident to the preparation and sale thereof, shall be deposited with the Farmers' Bank of The State of Delaware, at Dover, by the State Treasurer, in a separate account, to be opened by him for that purpose, and shall be used for the payment and/or refunding of State Highway Bonds heretofore issued under authority of Chapter 63 of Volume 29, Delaware Laws, as amended, and for no other purpose whatever.

Section 10. That as soon as practical after the receipt of moneys from the sale of bonds authorized by this Act, the now outstanding State Highway Bonds of this State, issued pursuant to the provisions of Chapter 63 of Volume 29, Delaware Laws, as amended, shall be called for payment by the proper officers and shall be redeemed and fully paid and cancelled pursuant to the provisions of said Chapter 63 of Volume 29, Laws of Delaware.

Section 11. That it shall be the duty of the State Treasurer to provide a record of proper size and form to be retained in his office so ruled as to afford a separate space for each coupon and the space at the top of each page of said record for each bond when paid, and each space at the top of said record shall bear the same number and class as the bond, the record whereof is intended to be preserved. As the said coupons are paid, it shall be the duty of the State Treasurer to mark the same in red ink across the face "Paid", cut each of them in two lengthwise, paste the pieces in the aforesaid spaces for each coupon in the record aforesaid, and as the said bonds shall be paid and redeemed, the State Treasurer shall cause the same to be cancelled by making lines with red ink through

REFUNDING OF CERTAIN HIGHWAY BONDS

the signatures of the Governor, Secretary of State and State Treasurer, also by writing across the face thereof, in red ink, the words "This bond paid and redeemed this.....day ofA. D....."

.....
State Treasurer

And all coupons unmatured and surrendered with each bond redeemed shall each likewise be endorsed "Cancelled by the redemption of Bond No....." in red ink. When paid or redeemed the said bonds shall be pasted in the proper spaces aforesaid.

Approved April 9, 1935.

CHAPTER 21

APPROPRIATION OF MONEYS TO PAY MATURITIES ON
CERTAIN HIGHWAY IMPROVEMENT BONDS

AN ACT APPROPRIATING MONEYS FROM THE STATE TREASURY FOR THE PURPOSE OF PAYING MATURITIES ON CERTAIN HIGHWAY IMPROVEMENT BONDS AND STATE AID ROAD BONDS, ISSUED BY THE LEVY COURTS OF NEW CASTLE, KENT AND SUSSEX COUNTIES, AND MATURING DURING THE FISCAL BIENNIUM OF THE STATE OF DELAWARE, ENDING JUNE 30, 1937.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (three-fourths of all Members of Each House agreeing thereto):

Section 1. On or before June 1, 1935, the Levy Court Commissioners of the Counties of New Castle, Kent and Sussex, respectively, shall certify to the State Treasurer the sums of money necessary to meet the requirements for paying maturities of principal falling due on the Highway Improvement Bonds and State Aid Road Bonds of each of the said Counties during the fiscal biennium of the State of Delaware beginning on July 1, 1935, and ending on June 30, 1937.

Section 2. The Highway Improvement Bonds and State Aid Road Bonds, heretofore referred to in this Act, are as follows:

New Castle County Bonds authorized under the following acts: Chapter 51 of Volume 24, Laws of Delaware, Chapter 101 of Volume 29, Laws of Delaware, Chapter 97 of Volume 30, Laws of Delaware, Chapter 98 of Volume 30, Laws of Delaware, Chapter 88 of Volume 32, Laws of Delaware, Chapter 94 of Volume 33, Laws of Delaware and Chapter 103 of Volume 34, Laws of Delaware; Kent County Bonds authorized under the following acts: Chapter 174 of Volume 27, Laws of Delaware, Chapter 23 of Volume 31, Laws of Delaware, Chapter 97 of Volume 33, Laws of Delaware, and Chapter 104 of Volume 34, Laws of Delaware;

APPROPRIATION OF MONEYS TO PAY MATURITIES ON CERTAIN HIGHWAY IMPROVEMENT BONDS

Sussex County Bonds authorized under the following Acts: Chapter 105 of Volume 29, Laws of Delaware, Chapter 92 of Volume 32, Laws of Delaware, and Chapter 105 of Volume 34, Laws of Delaware.

Section 3. There is hereby appropriated and authorized to be paid out of the State Treasury to the Levy Court Commissioners of New Castle County, and to the Levy Court Commissioners of Kent County, and to the Levy Court Commissioners of Sussex County, for the use of said Counties respectively such sums of money as shall be necessary for the payment of maturities of principal on all the said bonds set forth in Section 2 of this Act, to be used by said respective Levy Court Commissioners for the purpose of paying said respective maturities of principals and for no other purpose. The moneys hereby appropriated and authorized are intended to embrace the sums necessary to provide for the said maturities of principal on the said Highway Improvement Bonds and the said State Aid Road Bonds of each of the said Counties falling due during the period from July 1, 1935, up to June 30, 1937, both inclusive.

Section 4. Within ten days prior to the maturity date of any of the bonds set forth in Section 2 of this Act, it shall be the duty of the State Treasurer and he is hereby directed and required to pay to the Receiver of Taxes and County Treasurer of the respective Counties, the sums of money certified under Section 1 of this Act to be necessary for the payment of maturities of principal of the said bonds coming due as aforesaid.

Section 5. The Levy Courts of the Respective Counties in fixing the annual rate of taxation shall not provide for the raising of any sum of money for the payment of maturities on any of the bonds in this Act referred to.

Section 6. The moneys hereby appropriated and authorized to be paid out of the State Treasury shall be paid out of the funds now or hereafter allocated to the State Highway Department.

Approved March 22, 1935.

CHAPTER 22

PROVISION FOR THE PAYMENT OF INTEREST
ON REFUNDING BONDS

AN ACT TO AMEND CHAPTER 63 OF VOLUME 29, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 66 OF VOLUME 35, LAWS OF DELAWARE, AND PROVIDING FOR THE PAYMENT OF INTEREST ON REFUNDING BONDS ISSUED FOR THE PAYMENT AND REDEMPTION OF CERTAIN BONDS ISSUED BY THE LEVY COURTS OF NEW CASTLE, KENT AND SUSSEX COUNTIES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each Branch thereof concurring therein):

Section 1. That Chapter 63 of Volume 29, Laws of Delaware, as amended by Chapter 66 of Volume 35, Laws of Delaware, be and the same is hereby further amended by adding at the end of the first paragraph of Section 14 of the said Chapter 63 of Volume 29, as amended by the said Chapter 66 of Volume 35, as aforesaid, immediately after the word "County", the following:

If, and when, any of the bonds issued in accordance with any of the Acts of the General Assembly of the State of Delaware, as hereinbefore enumerated in this section, shall be paid and redeemed, prior to their due date, by the issuing of Refunding Bonds for the payment and redemption thereof, then and in any such event, the interest on any such Refunding Bonds, so issued, shall be paid in like manner and from like funds, as the interest on the original bonds referred to in this section was paid before being refunded, and all of the provisions of this section shall apply to any and all such Refunding Bonds with the same force and effect as in the case of the bonds issued under the provisions of the said Acts of the General Assembly of the State of Delaware as hereinbefore enumerated in this section.

Section 2. The Levy Court of the respective Counties, in fixing the annual rate of taxation, shall not provide for the raising of any sum of money for the payment of the interest on any of the

PROVISION FOR THE PAYMENT OF INTEREST ON
REFUNDING BONDS

said Refunding Bonds in this Act referred to, so long as the interest on the same is provided for and paid in accordance with Section 1 of this Act.

Approved April 18, 1935.

CHAPTER 23

STOCK OF THE UNION NATIONAL BANK
OF WILMINGTON

AN ACT TO PROVIDE FOR THE SALE OF TWO HUNDRED AND FIFTY-FOUR (254) SHARES OF THE CAPITAL STOCK OF THE UNION NATIONAL BANK OF WILMINGTON OWNED BY THE STATE.

WHEREAS, the State of Delaware owns two hundred and fifty-four (254) shares of the capital stock of The Union National Bank of Wilmington, a corporation of the United States of America, which shares are in the school fund of the State; and

WHEREAS, the Board of Directors of the bank have requested the General Assembly to authorize and direct the sale of the said shares, giving as their reasons for such request that the bank receives no deposit or other business from the State of Delaware, and that it would be greatly to the interest of the bank if such shares were owned by the public, where they would change ownership from time to time and not remain "frozen", as in the continued ownership of the State; and

WHEREAS, the General Assembly desires to favor such request;

Now, therefore, be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Governor and State Treasurer be and they are hereby authorized and directed to sell the said two hundred and fifty-four (254) shares of stock of The Union National Bank of Wilmington at public sale for the best price that can be obtained for them, but in no event for less than the average market price of similar shares throughout the period of the last six months; and the Governor and State Treasurer are hereby authorized to assign and transfer the said shares to any purchaser or purchasers

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thereof and to execute in the name of the State all appropriate instruments in writing to effectuate such transfer.

Section 2. That the Governor and State Treasurer be and they are hereby authorized and directed to pay the net proceeds of the sale of such shares into the School Fund of the State.

Section 3. That the Governor and State Treasurer be and they are hereby authorized and directed to invest the net proceeds of the sale of such shares for the benefit of the School Fund of the State.

Approved April 12, 1935.

CHAPTER 24

INTOXICATING LIQUOR

AN ACT TO AMEND THE DELAWARE LIQUOR CONTROL ACT IN RELATION TO THE RECEIPTS AND EXPENDITURES THEREUNDER BY PROVIDING FOR MONTHLY SETTLEMENT THEREOF WITH THE STATE TREASURER; BY CREATING A REPAYMENT AND CONTINGENT FUND, AND BY MAKING AN APPROPRIATION FOR THE EXPENSES OF THE DELAWARE LIQUOR COMMISSION FOR EACH OF THE TWO FISCAL YEARS ENDING JUNE 30, 1936, AND JUNE 30, 1937.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:

Section 1. That Section 11 of the Liquor Control Act, being Chapter 18 of 38 Delaware Laws, be and the same is hereby amended by repealing all of Section 11 thereof and inserting in lieu thereof, a new Section 11, as follows:

"Section 11. (a) All moneys received by the Commission, except such sums as are retained in accordance with the provisions of this Act as a repayment and contingent fund, shall be paid monthly, or more often if deemed advisable by the Commission, to the State Treasurer, and a monthly report of all receipts and expenditures shall be made to the State Treasurer."

"(b) The Commission shall retain out of all moneys received, a sum sufficient to provide at all times a fund of Twenty Thousand Dollars (\$20,000) out of which it shall pay any refund on any license as provided by this Act, or any sum required to be paid under the provisions of this Act for any alcoholic liquor delivered to or seized by said Commission. Said funds shall be deposited in the financial institution which is the legal depository of the State moneys to the credit of the Delaware Liquor Commission and shall be disbursable on order of said Commission."

"(c) The sum of Ninety-five Thousand Dollars (\$95,000),

INTOXICATING LIQUOR

or so much thereof as may be necessary, is hereby appropriated and authorized to be paid out of the Treasury of the State of Delaware to the Delaware Liquor Commission to pay the actual and necessary expenses of said Commission for the fiscal year beginning July 1, 1935, and ending June 30, 1936, and a like sum of Ninety-five Thousand Dollars (\$95,000) or so much thereof as may be necessary, for the fiscal year beginning July 1, 1936, and ending June 30, 1937, provided, however, that all parts or portions of said sums appropriated by this Act which on the First day of July immediately following each of the respective fiscal years shall not have been paid out of the Treasury shall revert to the General fund of the Treasury.

"(d) The General Assembly shall appropriate for each succeeding biennium a sufficient sum of money to pay the actual and necessary expenses of said Commission, which sum shall be included in the Budget Appropriation Bill and subject to all the provisions of law in relation thereto."

Section 2. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the funds received as hereinbefore set forth.

Section 3. This Act shall become effective on the First day of July, A. D. 1935.

Approved April 18, 1935.

CHAPTER 25

MANUFACTURERS LICENSES

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF DELAWARE, 1915, IN REFERENCE TO LICENSES OF MANUFACTURERS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 159 and Section 160 of Chapter 6 of the Revised Code of Delaware, 1915, be amended by striking out said Section 159 and said Section 160 and inserting in lieu thereof the following new sections:

Section 159. Every individual, co-partnership, firm, or corporation, or any other association of persons acting as a unit, engaged as owner or owners, or as agent or agents, in the practice, conduct, pursuit or carrying on of the business of working raw materials into products of a different character, finished or unfinished; or of effecting any combination or composition of materials, the inherent nature of which is changed; or of finishing by hand or machinery goods, wares or merchandise, or any article or material, desiring to continue in said practice, conduct, pursuit or carrying on, shall annually on the first day of June take out a license to engage in such business as is hereinbefore defined, for which such individual, co-partnership, firm or corporation, or other association of persons acting as a unit, shall pay, for the use of the State, the sum of Five Dollars (\$5.00) to the Clerk of the Peace of the County in which such individual, co-partnership, firm or corporation, or other association of persons, is engaged and desires to continue to be engaged in such practice, conduct, pursuit, or carrying on of a business; and every such individual, co-partnership, firm, or corporation, or other association of persons acting as a unit, shall on or before the said first day of June annually, before taking out said license, file with the said Clerk of the Peace a statement in writing setting forth the following:

That the aggregate gross receipts, which shall embrace all pro-

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ceeds received by such individual, co-partnership, firm or corporation, or other association of persons, acting as a unit, in the practice, conduct, pursuit, or carrying on of the business for which such license is desired, including all merchandise, raw materials and finished or unfinished products actually coming into or at any time within this State, including trans-shipment of original packages, and all proceeds derived from the sale or exchange, outside of this State of any such merchandise, raw materials and finished or unfinished products, received in connection with or from the business as hereinbefore defined by said individual, co-partnership, firm or corporation, or other association of persons, during the year last past, did not exceed a certain sum as therein stated.

The said statement shall be verified by the oath or affirmation of such individual, or one member of such co-partnership, firm or association of persons, or the President, Treasurer, or Secretary of such corporation, and the said oath or affirmation may be taken before any person, who, by the laws of this State, is duly authorized to administer the same. Any such individual, co-partnership, firm or corporation, or other association of persons acting as a unit, engaged in such business as hereinbefore defined and desiring to continue to be so engaged in the practice, conduct, pursuit, or carrying on of the business for which a license is required, shall on or before the first day of June annually, before receiving the said license, pay to the Clerk of the Peace of the County, as aforesaid, for the use of the State, in addition to the above named sum of Five Dollars (\$5.00), the further sum of one-fortieth of one per cent ($1/40$ of 1%) of the aggregate gross receipts as set forth in the statement hereinbefore required to be filed with the Clerk of the Peace.

The license when issued shall authorize the practice, conduct, pursuit, or carrying on of the business of working raw materials into products of a different character, finished or unfinished; and/or of effecting any combination or composition of materials, the inherent nature of which is changed; and/or of finishing by hand or machinery goods, wares or merchandise, or any article or material, for a period of one year from the first day of June at only one place of business. If it is desired to operate more than one place of

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business within this State, a license shall be required for each place of business; provided, however, the aggregate gross receipts from the entire business may be included in one statement.

In case any individual, co-partnership, firm or corporation, or any other association of persons acting as a unit, desires to engage as owner or owners, or as agent or agents, in the practice, conduct, pursuit, or carrying on of the business of working raw materials, into products of a different character, finished or unfinished; or of effecting any combination or composition of materials, the inherent nature of which is changed; or of finishing by hand or machinery goods, wares or merchandise or any article or material, he, she, they or it, not having been engaged in said practice, conduct, pursuit or carrying on of a business during the year immediately next preceding the aforesaid first day of June, shall before commencing a business as defined aforesaid, take out a fractional license, which shall expire on the first day of June next after the date of its issuance, first paying to the said Clerk of the Peace the sum of Five Dollars (\$5.00); and at the expiration of said fractional license on the first day of June, he, she, they, or it shall obtain an annual license, which shall be valid until the first day of June following, upon his, her, they, or it filing with the said Clerk of the Peace, a statement in writing, verified by oath or affirmation of such individual, or one member of such co-partnership, firm or association of persons, or of the President, or Treasurer, or Secretary of such corporation, containing the information as to the aggregate gross receipts as hereinbefore provided in this Section, but limited to the period covered by the terms of the said fractional license; such individual, co-partnership, firm or corporation, or association of persons, shall pay to the said Clerk of the Peace, for the use of the State, at the time of the taking out of the first annual license following the issuance of a fractional license, a tax for the said fractional period amounting to one-fortieth of one per cent ($1/40$ of 1%) of the aggregate gross receipts as set forth in the said statement covering the period of said fractional license, in addition to the said sum of Five Dollars (\$5.00) originally paid for said fractional license, and the sum of five dollars (\$5.00) for the first annual license in addition to a further tax for the said annual

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license of one-fortieth of one per cent (1/40 of 1%) based upon aggregate gross receipts rated on the proportion which the time covered by the fractional license bears to the twelve months covered by said annual license.

The fractional license when issued shall authorize the practice, conduct, pursuit, or carrying on of the business of working raw materials into products of a different character, finished or unfinished; and/or effecting any combination or composition of materials, the inherent nature of which is changed; and/or finishing by hand or machinery goods, wares, or merchandise, or any article or material, for a period between the date of the issuance of the said fractional license until the first day of June at only one place of business. If it is desired to operate more than one place of business within this State, a fractional license shall be required for each place of business; provided, however, the aggregate gross receipts from the entire business may be included in one statement.

The license granted under the provisions of this Section shall be signed by the Governor and Secretary of State or the use of facsimile signatures of the Governor and the Secretary of State, with the official seal of the office of said Secretary affixed thereto; and it shall be for the sole use and benefit of the licensee to whom it is issued, and shall not be transferable; provided that in case of the death of any licensee, his, her, their, or its personal representative shall succeed to all rights thereunder until the date of expiration of the license issued.

It shall be the duty of the Clerk of the Peace of the respective counties of this State to cause public notice to be given in at least two newspapers in the County in which the said Clerk resides for one month preceding the first day of June in each and every year, of the time when the license provided in this Section shall be procured. The expense of giving such notice shall be paid from the State Treasury, from monies not otherwise appropriated, upon warrants approved by the aforesaid Clerk of the Peace.

No individual, co-partnership, firm or corporation, or any other

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association of persons acting as a unit, having paid the tax imposed under the provisions of this Section, shall be liable to the payment of the tax or license fee imposed upon individuals, co-partnerships, firms or corporations or other association of persons acting as a unit, engaged in, or desiring to engage in, the business and/or occupation of purchasing and selling goods, wares, merchandise, produce and property as hereinafter provided in this Chapter; nor shall this Section apply to the distilling, brewing, manufacture, or producing of alcoholic liquor of any kind whatsoever, nor to the production or manufacture of steam, gas, or electricity for heat, light or power, nor to the production of the usual farm products for home consumption or market purposes.

Until the Legislature shall otherwise provide, the Clerk of the Peace in and for New Castle County, shall accept from the Pullman Palace Car Company, so long as it shall continue in business in this State, the sum of Three Hundred Dollars annually, and the same shall release and discharge the said company from any and all liability for the payment of a license or tax under this Section; provided, however, that if said company shall in any year fail to pay said sum of Three Hundred dollars, it shall become and be subject, as a repairer of railroad cars, to the same license or tax as in this Section provided.

Section 160. If any individual, co-partnership, firm or corporation, or any other association of persons acting as a unit, shall be engaged, as owner or owners, or as agent or agents, in the practice, conduct, pursuit or carrying on of such business, as in this Section defined, without obtaining at the time or times mentioned in this Section, a proper license therefor and without paying the tax aforesaid, he, she, or they, and the individuals comprising such co-partnership, firm or association of persons, and each of them, and the President and Director, and each of them of such corporation, for every offense shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment or information, shall be liable to the payment of said license and tax, and a fine not exceeding Five Hundred Dollars (\$500.00).

Section 2. That nothing in this Act shall be held to relieve

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any individual, association of persons, firm or corporation, as described in Sections 159 and 160, of Chapter 6 of the Revised Code of Delaware, 1915, from liability for the failure to take out a license as therein provided, for the year ending June 1, 1935, or any previous year, or for any part of said year or years, and the payment of all fees and taxes in connection therewith as therein provided; and no offense committed, and no failure to perform any act or duty, and no penalties nor forfeitures incurred, and no prosecution commenced under any laws repealed by this Act, and before the time when such repeal shall take effect, shall be affected by this Act.

Section 3. That all laws and parts of laws inconsistent with the provisions, or any of the provisions of this Act, are hereby repealed to the extent of and only to the extent of any such inconsistency.

Approved April 6, 1935.

CHAPTER 26

MERCHANTS LICENSES

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF DELAWARE, 1915, IN REFERENCE TO LICENSES OF MERCHANTS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 161 of Chapter 6 of the Revised Code of Delaware, 1915, be amended by striking out said Section 161 and inserting in lieu thereof the following new section:

Section 161. Every individual, co-partnership, firm or corporation, or any other association of persons acting as a unit, engaged as owner or owners, or as agent or agents, in the business of buying and selling merchandise for cash or by barter, or engaged in prosecuting, following or carrying on a retail or wholesale business by purchasing and selling produce, goods, wares, or any property of whatsoever description, desiring to continue in such business, as is hereinbefore defined, shall annually on the first day of June take out a license to engage in, prosecute, follow or carry on said business, for which such individual, co-partnership, firm or corporation or other association of persons acting as a unit, shall pay, for the use of the State, the sum of Five Dollars (\$5.00) to the Clerk of the Peace of the County in which such individual, co-partnership, firm or corporation, or other association of persons, is engaged and desires to continue to be engaged in such business, as hereinbefore defined; and every such individual, co-partnership, firm or corporation, or other association of persons acting as a unit, shall on or before the said first day of June annually, before taking out said license, file with the said Clerk of the Peace a statement in writing setting forth the following:

That the aggregate cost value of all such merchandise, produce, goods, wares, or any property of whatever description, which such individual, co-partnership, firm or corporation or other association of persons, shall have purchased for sale in the course of the busi-

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ness of buying and selling merchandise for cash or by barter, or of prosecuting, following or carrying on a retail or wholesale business by purchasing and selling produce, goods, wares, or any property of whatever description, including all merchandise, produce, goods, wares, or any property of whatever description, coming into or at any time within this State, and trans-shipment of original packages, during the year last passed, did not exceed a certain sum as therein stated.

The said statement shall be verified by the oath or affirmation of each individual, or one member of such co-partnership, firm, or association of persons, or the President, or Treasurer, or Secretary of such corporation, and the said oath or affirmation may be taken before any person, who, by the laws of this State, is duly authorized to administer the same. Every such individual, co-partnership, firm or corporation, or association of persons acting as a unit, engaged in such business, as hereinbefore defined and desiring to continue to be so engaged in the buying and selling, prosecuting, following or carrying on, as defined in the business for which a license is required, shall on or before the first day of June annually, before receiving said license, pay to the said Clerk of the Peace, for the use of the State, in addition to the above named sum of Five Dollars (\$5.00), the further sum of one-tenth of one per cent (1/10th of 1%), of the aggregate cost value; as set forth in the statement hereinbefore required to be filed with the Clerk of the Peace, in excess of Five Thousand Dollars (\$5,000.00).

The license when issued shall authorize the buying and selling of merchandise for cash or by barter and the prosecuting, following or carrying on of a retail and/or wholesale business by purchasing and selling produce, goods, wares, or any property of whatsoever description, for a period of one year from the first day of June at only one place of business. If it is desired to operate more than one place of business within this State, a license shall be required for each place of business; provided, however, the aggregate cost value, as certified to in the statement herein required to be filed with the Clerk of the Peace, for the entire business may be included in one statement.

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In case any individual, co-partnership, firm or corporation, or any other association of persons acting as a unit, desires to engage as owner or owners, or as agent or agents, in the business of buying and selling merchandise for cash or by barter, or engage in, prosecute, follow, or carry on a retail or wholesale business by purchasing and selling produce, goods, wares, or any property of whatever description, he, she, they or it not having been engaged in such a business as hereinbefore defined during the year immediately next preceding the aforesaid first day of June, shall, before commencing such business, take out a fractional license, which shall expire on the first day of June next after the date of its issuance, first paying to the said Clerk of the Peace the sum of Five Dollars (\$5.00); and at the expiration of said fractional license on the first day of June, he, she, they or it shall obtain an annual license, which shall be valid until the first day of June following, upon the filing with the said Clerk of the Peace, by him, her, them or it, of a statement in writing, verified by oath or affirmation of such individual, or one member of such co-partnership, firm or association, or of the President, Treasurer or Secretary of such corporation, containing the information as to the aggregate cost value as hereinbefore provided in this Section, but limited to the period covered by the terms of the said fractional license; such individual, co-partnership, firm or corporation, or association of persons shall pay to the said Clerk of the Peace, for the use of the State, at the time of the taking out of the first annual license following the issuance of a fractional license, a tax for the said fractional period amounting to one-tenth of one per cent ($1/10$ th of 1%) of the aggregate cost value as set forth in the said statement covering the period of said fractional license, in excess of Five Thousand Dollars (\$5,000.00), in addition to the said sum of Five Dollars (\$5.00) originally paid for said fractional license, and the sum of Five Dollars (\$5.00) for the first annual license, in addition to a further tax for the said annual license of one-tenth of one per cent ($1/10$ th of 1%), based upon the aggregate cost value rated on the proportion which the time covered by the fractional license bears to the twelve months covered by said annual license, in excess of Five Thousand Dollars (\$5,000.00).

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The fractional license when issued shall authorize the buying and selling of merchandise for cash or by barter and the prosecuting, following or carrying on of a retail and/or wholesale business by purchasing and selling produce, goods, wares, or any property of whatsoever description, for a period between the date of the issuance of the said fractional license until the first day of June at only one place of business. If it is desired to operate more than one place of business within this State, a fractional license shall be required for each place of business; provided, however, the aggregate cost value, as certified to in the statement herein required to be filed with the Clerk of the Peace for the entire business may be included in one statement.

The license granted under the provisions of this Section shall be signed by the Governor and the Secretary of State or by the use of facsimile signatures of the Governor and the Secretary of State, with the official seal of the office of the said Secretary affixed thereto; and it shall be for the sole use and benefit of the licensee to whom it is issued, and shall not be transferable, provided that in case of the death of any licensee, his, her, their, or its personal representatives shall succeed to all rights thereunder until the date of expiration of the license issued.

It shall be the duty of the Clerk of the Peace of the respective counties of this State to cause public notice to be given, in at least two newspapers in the County in which the said Clerk resides, for one month preceding the first day of June in each and every year, of the time when the license provided in this Section shall be procured. The expense of giving such notice shall be paid from the State Treasury from moneys not otherwise appropriated upon warrants approved by the aforesaid Clerk of the Peace.

If any individual, co-partnership, firm or corporation, or other association of persons acting as a unit, shall be engaged as owner or owners, or as agent or agents, in the business of buying and selling merchandise for cash or by barter or in prosecuting, following or carrying on a retail or wholesale business, as in this Section defined, without obtaining a proper license therefor and without

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paying the tax aforesaid, he, she, they, or the individuals composing such co-partnership, firm or association of persons, and each of them, and the president and directors, and each of them, of such corporation, for every such offense, shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, or information filed, shall be liable to the payment of the said license and tax and a fine not exceeding Five Hundred Dollars (\$500.00).

Section 2. That nothing in this Act shall be held to relieve any individual, association of persons, firm or corporation, as described in Sections 159 and 160 of Chapter 6 of the Revised Code of Delaware, 1915, from liability for the failure to take out a license as therein provided, for the year ending June 1, 1935, or any previous year, or for any part of said year or years, and the payment of all fees and taxes in connection therewith as therein provided; and no offense committed, and no failure to perform any act or duty, and no penalties nor forfeitures incurred, and no prosecution commenced under any laws repealed by this Act, and before the time when such repeal shall take effect, shall be affected by this Act.

Section 3. That all laws and parts of laws inconsistent with the provisions, or any of the provisions, of this Act, are hereby repealed to the extent of and only to the extent of any such inconsistency.

Approved April 6, 1935.

CHAPTER 27

OCCUPATIONAL LICENSES

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF DELAWARE, 1915, IN REFERENCE TO OCCUPATIONAL LICENSES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 180 to Section 188, inclusive, of Chapter 6 of the Revised Code of Delaware, 1915, be amended by striking out all of the said Sections and inserting in lieu thereof the following new sections:

Sec. 180. For the purposes of this Act occupations shall be of two classes, viz: Service Occupations and Business Occupations.

Sec. 181. The occupations that are listed "service occupations," embracing any individual, co-partnership, firm or corporation, or any other association of persons acting as a unit, hereinafter termed "person", and subject to the license fees in Section 182 set forth, are hereby specifically defined:

Architect embraces every person engaged in the business of designing, planning and technically supervising the construction of, any building, edifice or other structural unit.

Attorney-At-Law embraces every individual duly admitted to the Bar of any Court of the State of Delaware and engaged in the active practice of such profession.

Auctioneer embraces every person engaged in the business of crying sales of real or personal property on behalf of other persons for profit except as otherwise provided by the provisions of Chapter 6 of the Revised Code of Delaware, 1915, as amended.

Certified Public Accountant embraces every person authorized under the laws of this State to engage in the business of accountancy and actively engaged therein.

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Chiropodist embraces every person engaged in the practice of caring for the feet of human beings.

Chiropractor embraces every person engaged in the practice of treating human ailments by means of muscular or bone manipulation.

Conveyancer embraces every person engaged in the business of conveying real property and drafting legal instruments for so doing except attorneys-at-law having a license to practice such profession in this State.

Dentist embraces every person qualified under the laws of the State of Delaware to practice dentistry and engaged in active practice of such profession.

Distributor embraces every person engaged in the business of distributing samples, hand-bills or posters for compensation or on commission.

Drayman embraces every person engaged in the business of transporting for profit tangible personal property of other persons by means of motor-propelled or horse-drawn vehicles.

Employment Agent embraces every person engaged in hiring or securing positions for other persons for profit.

Engineer embraces every person engaged in the practice of the profession of technical engineering, consultant or otherwise, who accepts retainments from the general public for profit including civil, electrical, mechanical, chemical or other branch of technical engineering.

Factor embraces every person engaged in the business of buying and selling, or receiving for sale, merchandise for other persons on a commission basis or for profit not coming within the provisions of Section 160 of Chapter 6 of the Revised Code of Delaware, 1915, as amended.

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Incorporator embraces every person engaged in the business of procuring corporate charters, or acting as resident, registration or transfer agent of domestic corporations and not subject to payment of franchise taxes to the State of Delaware except attorneys-at-law having a license to practice such profession in this State.

Manicurist embraces every person engaged in the practice of caring for the hands.

Keeper of Stallion or Jack embraces every person engaged in the business of keeping and/or traveling stallions and/or jacks for breeding purposes.

Keeper of Public Baths embraces every person engaged in the business of maintaining or operating for the use of the general public for profit an establishment for baths of any kind or description.

Keeper of Livery Stable embraces every person engaged in the business of maintaining for the use of the general public for profit a place wherein horses and other animals of like nature are taken care of.

Mercantile Agency embraces every person engaged in the business of investigation of financial ratings and credits and/or the collection of commercial accounts for other persons except attorneys-at-law having a license to practice such profession in this State.

Optometrist embraces every person qualified under the laws of the State of Delaware to practice optometry and engaged in active practice of such profession.

Osteopath embraces every person qualified under the laws of the State of Delaware to practice osteopathy and engaged in active practice of such profession.

Physician and/or Surgeon embraces every person qualified un-

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der the laws of the State of Delaware to practice medicine and surgery and engaged in active practice of such profession.

Real Estate Agent embraces every person engaged in the business of buying selling or renting real estate or collecting rents thereon for the account of other persons upon a commission or for profit.

Transportation Agent embraces every person engaged in the business of selling tickets, on behalf of other persons, for transportation by common carriers on a commission basis or for profit.

Textile Renovator embraces every person engaged in the business, other than in a private capacity, of pressing, cleaning, washing, scouring, bleaching, dyeing, or otherwise reconditioning any article of clothing, or of any woven or knitted fabric of every form and nature, whether the actual reconditioning is done within or without the State of Delaware.

Warehouseman embraces every person engaged in the business of public storage of tangible personal property, including all services in connection therewith.

Sec. 182. Any individual, co-partnership, firm or corporation, or other association of persons desiring to engage in, prosecute, follow or carry on any service occupation named in the next preceding Section may apply to the Clerk of the Peace of any county in this State for a proper license authorizing or empowering him, her, it, or them to engage in, prosecute, follow, or carry on such service occupation which he, she, it, or they may desire to engage in, prosecute, follow, or carry on, and upon his, her, it or they paying to the said Clerk of the Peace, for the use of the State, a license fee of Ten Dollars (\$10.00), and also a fee of fifty cents to the said Clerk of the Peace, for the use of the county, it shall be the duty of such Clerk of the Peace to issue him, her, it or them a proper license for service occupations.

Sec. 183. If any individual, co-partnership, firm or corporation, or any association of persons acting as a unit shall engage in,

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prosecute, follow, or carry on any service occupation, as is herein set forth at Section 181 of this Act, within the limits of this State, without having first obtained a proper license therefor, he, she, or they, and the individuals composing such firm or association of persons, and each of them, and the President and Directors of such corporation, and each of them, for every such offense shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment, or on information filed, besides being liable to the payment of the license fees, shall be subject to imprisonment for a term not exceeding two years, or a fine not exceeding Five Hundred Dollars (\$500.00), or both, in the discretion of the court.

Sec. 184. The occupations that are listed "Business Occupations," embracing any individual, co-partnership, firm or corporation, or any other association of persons acting as a unit, hereinafter termed "person", and subject to the license fees in Section 185 set forth, are hereby specifically defined.

(1) Advertising Agency embraces every person engaged in the business of displaying advertising matter by bill boards, posters or circulars, or shall undertake the writing or composition of advertisements for other persons on a commission, rental or flat basis.

(2) Amusement Conductor embraces every person engaged in the business of conducting or maintaining mechanical devices for the entertainment of the general public for which a charge is made for the use thereof.

(3) Amusement Park Operator embraces every person engaged in the business of exhibiting in an arena, park, or other open spaces any two or more amusements, as in this Section defined, including theatrical performances and moving pictures and eating houses but not in the conducting or exhibiting of a circus.

(4) Barber embraces every person engaged in the business of shaving the beard and cutting, trimming, washing, waving or otherwise dressing the hair of human beings.

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der the laws of the State of Delaware to practice medicine and surgery and engaged in active practice of such profession.

Real Estate Agent embraces every person engaged in the business of buying selling or renting real estate or collecting rents thereon for the account of other persons upon a commission or for profit.

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(2) Amusement Conductor embraces every person engaged in the business of conducting or maintaining mechanical devices for the entertainment of the general public for which a charge is made for the use thereof.

(3) Amusement Park Operator embraces every person engaged in the business of exhibiting in an arena, park, or other open spaces any two or more amusements, as in this Section defined, including theatrical performances and moving pictures and eating houses but not in the conducting or exhibiting of a circus.

(4) Barber embraces every person engaged in the business of shaving the beard and cutting, trimming, washing, waving or otherwise dressing the hair of human beings.

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(5) Bottler embraces every person engaged in the business of bottling from the bulk all beverages commonly known as soft drinks, whether said beverages shall be prepared in whole or in part by said bottler.

(6) Broker embraces every person engaged in the business of buying and selling for the account of other persons for a commission, or for profit, stocks, bonds, currency, negotiable paper, securities, and any other intangible personal property.

(7) Circus Exhibitor embraces every person engaged in the business of exhibiting in a tent, arena, or other open spaces feats of horsemanship, acrobatic stunts, freaks, trained or wild animals, and other forms of entertainment commonly known as circus.

(8) Contractor embraces every person engaged in the business of the construction, alteration or repairing of buildings, roads, bridges, viaducts, sewers, water and gas mains, and every other type of structure coming within the definition of real property, including all sub-contractors.

(9) Dairyman embraces every person engaged in the business of buying and selling dairy products excepting such persons as sell their own products or are engaged in the manufacture of such products.

(10) Eating House Keeper embraces every person engaged in the business of operating a public place for the sale of food, prepared and/or consumed on the premises, and/or soft drinks, for the accommodation of casual visitors.

(11) Finance Acceptor embraces every person engaged in the business of lending money on automobiles, radios and other articles of tangible personal property, the title to which is taken as security by the lender and repayments of the loans are made by installments or otherwise.

(12) Hairdresser embraces every person engaged in the busi-

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ness of cutting, trimming, washing, waving, curling, and/or otherwise dressing the hair of human beings, or of massaging and otherwise treating the body of such to enhance their physical appearance.

(13) Laundry Operator embraces every person engaged in the business of operating a laundry where steam and/or electric power is used or employed on custom work, and/or of securing goods or fabrics to be laundered whether the actual work of laundering such goods or fabrics is done within or without the State of Delaware.

(14) Motor Vehicle Servicemen embraces every person engaged in the business of repairing, rebuilding, repainting, or otherwise reconditioning, or storing (exclusive of the rental of individual garages) of motor vehicles or their parts, and the selling of any of the accessories thereof.

(15) Operator of Pool Tables, Billiard Tables, Shuffle Boards or Bowling Alleys embraces every person engaged in the operation and/or management of pool tables, billiard tables, shuffle boards and/or bowling alleys for the use of the general public anywhere within the State of Delaware.

(16) Operator of Taxicabs embraces every person engaged in the operation of motor vehicles in transporting persons for hire in the accommodation of the general public.

(17) Pawnbroker embraces every person engaged in the business of lending money on pledge of tangible personal property, or purchasing the same on condition of returning it to the seller at a stipulated price, and of selling said property in default of the pawnner.

(18) Photographer embraces every person engaged in the business of taking, making and/or developing photographs, or pictures by action of light, for profit or reward.

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(19) Sea Food Dealer embraces every person engaged in the business of buying and selling fish, oysters or other sea food at an established place of business and not from cart, wagon, motor vehicle or other means of conveyance excepting persons who sell or offer for sale sea food caught by themselves.

(20) Showman embraces every person engaged in the business of conducting or operating a public theatre, house, or place for the exhibition of stage and/or floor shows, moving pictures, animal shows, or carnivals for private profit, and all other amusements of like character conducted for profit exclusive of boxing and wrestling matches.

(21) Undertaker embraces every person engaged in the business, and qualified under the law of the State of Delaware to be so engaged, of undertakers and in active conduct thereof.

(22) Junk Dealer embraces every person engaged in the business of buying and selling old iron, brass, lead, copper, or other metals, or combinations thereof, paper, old automobile tires, second-hand personal property of any kind or description whatever.

In the application of the provisions of the foregoing definitions, no auctioneer shall be authorized by virtue of the license granted to employ any other person to act as auctioneer in his behalf, except in his own store or warehouse, or in his presence, nor shall the term "auctioneer" apply or extend to judicial or executive officer making sales in pursuance of any execution, judgment, or decree of any court, nor to public sales made by executors or administrators.

Sec. 185. Any individual, co-partnership, firm or corporation, or other association of persons acting as a unit desiring to engage in, prosecute, follow, or carry on any business occupation, as in the preceding Section defined, within the limits of this State, may apply to the Clerk of the Peace of any county in the State for a proper license authorizing and empowering him, her, it or them to engage in, prosecute, follow, or carry on such business occupation which

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he, she, it, or they may desire to engage in, prosecute, follow, or carry on and upon his, her, it, or they paying to the said Clerk of the Peace, for the use of the State, the license fee, as hereinafter set forth for the various business occupations, and also a fee of fifty cents to the said Clerk of the Peace, for the use of the county, it shall be the duty of such Clerk of the Peace to issue him, her, it or them a proper license for a business occupation:

For each license as an advertising agency, the sum of Twenty-five Dollars; for each license as an amusement conductor, the sum of Fifty Dollars; for each license as an amusement park operator, the sum of Two Hundred and Fifty Dollars, for each license as a barber, the sum of Five Dollars for the first two barber chairs and One Dollar for each additional chair, the said license fee not to exceed Ten Dollars; for each license as a bottler, the sum of Twenty-five Dollars; for each license as a broker the sum of One Hundred Dollars; for each license as a circus exhibitor within the corporate limits of any city in this State, having a population of over fifty thousand people, the sum of Five Hundred Dollars; for each license as a circus exhibitor within one mile of the corporate limits of any city in this State having a population of over fifty thousand people, Three Hundred Dollars; for each license as a circus exhibitor not within one mile of the corporate limits of any city in this State having a population of over fifty thousand people, the sum of One Hundred Dollars; for each license as a contractor, not classed as a manufacturer, the sum of Twenty-five Dollars; for each license as a dairyman, not classed as a manufacturer, the sum of Ten Dollars; for each license as an eating house keeper, the sum of Ten Dollars; for each license as a finance acceptor, the sum of Twenty-five Dollars; for each license as a hairdresser, the sum of Five Dollars for the first two chairs used in the process of hairdressing and treatment of the body, and One Dollar for each additional such chair, the said license not to exceed Ten Dollars; for each license as a junk dealer, the sum of Ten Dollars; for each license as a laundry operator, the sum of Twenty-five Dollars; for each license as a motor vehicle serviceman, the sum of Ten Dollars; for each license as an operator of pool tables, billiard tables, shuffle

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boards or bowling alleys, the sum of Fifteen Dollars for the first table, board, or alley, ten dollars for the second table, board or alley, and Five Dollars for each additional table, board or alley, provided that each such license shall be obtained from the Clerk of the Peace of the county in which it is desired to have, keep, conduct, or operate such table, board, or alley; for each license as an operator of taxicabs, the sum of Ten Dollars for the first motor vehicle and Two Dollars for each additional motor vehicle; for each license as a pawnbroker, the sum of Ten Dollars; for each license as a photographer, the sum of Twenty Dollars; for each license as a seafood dealer, the sum of Ten Dollars; for each license as a showman in the conduct or operation of a public theatre, house, or place for the exhibition of stage and/or floor shows and moving pictures within the corporate limits of any city in this State, having a population of over five thousand people, a fee of One Hundred Dollars, and in the conduct or operation of such theatre, house, or place for the exhibition of stage and/or floor shows and moving pictures within the corporate limits of any city, town, or village in this State, having a population of less than five thousand people, the sum of Twenty-five Dollars; and for each license as an undertaker, the sum of Ten Dollars; for each license as a showman not hereinbefore referred to, the sum of Fifty Dollars.

Section 186. If any individual, co-partnership, firm or corporation, or any association of persons acting as a unit shall engage in, prosecute, follow, or carry on a business occupation, as is herein set forth in Section 184 of this Act, within the limits of this State, without having first obtained a proper license therefor, he, she, or they, and the individuals composing such firm or company, and each of them, and the President and Directors of such corporation, and each of them, for every such offense, shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment or on information filed, besides being liable to the payment of the license fees, shall be subject to imprisonment for a term not exceeding two years, or a fine not exceeding Five Hundred Dollars (\$500.00), or both, in the discretion of the court.

Sec. 187. Every license issued under this Act shall contain

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and set forth, in the case of service occupations, the name and place of abode of the individual, co-partnership, firm or corporation or other association of persons, the fact that such individual, co-partnership, firm or corporation, or other association of persons is engaged in a service occupation as defined in Section 181 of this Act, and the amount of the license fee paid to the State and County together with the date of the issuance of the license, said license shall expire annually upon the first day of June next succeeding the date of issue.

Every license issued under this Act shall contain and set forth, in the case of business occupations, the name and place of business of the individual, co-partnership, firm or corporation, or other association of persons, the fact that such individual, co-partnership, firm or corporation, or other association of persons is engaged in a business occupation as defined in Section 184 of this Act and naming therein the trade, business, pursuit, or occupation for which such license is granted, and the amount of the license fees paid to the State and County together with the date of the issuance of the license, said license shall expire annually upon the first day of June next succeeding the date of issue with the exception of the circus exhibitor, whose license shall continue in force for three months from the date of issuance thereof and no longer. A license granted for a business occupation shall not authorize the individual, co-partnership, firm or corporation or other association of persons to engage in, prosecute, follow, or carry on any trade, business, pursuit, or occupation specified in such license in any other place than the place of business set forth in such license, provided, that if the tenant of such place of business be changed during the year, it shall be lawful for the new tenant to keep such place of business under said license until the expiration of the term for which it was granted. In every case where more than one of the service occupations set forth in Section 181 of this Act and/or the business occupations set forth in Section 184 of this Act shall be pursued or carried on by the same individual, co-partnership, firm or corporation, or other association of persons at the same time, a license must be taken out for each according to the rates prescribed in Section 182 and 185 of this Act. Every circus exhibitor who shall procure a license to

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conduct a circus shall be authorized and empowered during the term for which such license was granted, to exercise and carry on such business occupation in every county of this State, subject, however, to the provisions and restrictions contained in said license. Every other individual, co-partnership, firm or corporation, or other association of persons, who shall procure either a service occupation or business occupation license shall be authorized and empowered, during the term for which such license was granted, to exercise and carry on such service occupation or business occupation in any county of this State, subject, however, to the provisions and restrictions in this section set forth.

Section 188. The licenses granted under the provisions of this Act shall be signed by the Governor and Secretary of State or by the use of facsimile signatures of the Governor and the Secretary of State, with the official seal of the office of said Secretary affixed thereto; and it shall be for the sole use and benefit of the licensee to whom it is issued, and shall not be transferable; provided that in case of the death of any licensee, his, her, their, or its personal representative shall succeed to all rights thereunder until the date of expiration of the license issued.

It shall be the duty of the Clerk of the Peace of the respective counties of this State to cause public notice to be given in at least two newspapers in the County in which the said Clerk resides for one month preceding the first day of June in each and every year of the time when the license provided in Sections 182 and 185 shall be procured. The expense of giving such notice shall be paid from the State Treasury, from moneys not otherwise appropriated, upon warrants approved by the aforesaid Clerk of the Peace.

Section 2. That nothing in this Act shall be held to relieve any person or persons, firm, company, association of persons, or corporation, as described in Sections 180 to 188, inclusive, of Chapter 6 of the Revised Code of Delaware, 1915, or as described in any of the said Sections, from liability for the failure to take out a license as therein provided, for the year ending June 1, 1935, or any previous year, or for any part of said year or years, and the payment

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of all fees and taxes in connection therewith, as therein provided; and no offense committed, and no failure to perform any act or duty, and no penalty or penalties or forfeiture or forfeitures incurred, and no prosecution commenced under any laws repealed by this Act, and before the time when such repeal shall take effect, shall be affected by this Act.

Section 3. That all laws and parts of laws inconsistent with the provisions of this Act are hereby repealed to the extent of and only to the extent of any such inconsistency.

Approved April 6, 1935.

CHAPTER 28

JEWELERS LICENSES

AN ACT TO PROVIDE FOR THE REGULATION, CONTROL AND LICENSING OF JEWELERS WHO MAY ENGAGE IN THE BUSINESS OF BUYING AND SELLING OLD GOLD, SILVER, PLATINUM, GOLD OR SILVER PLATE METAL, PRECIOUS STONES AND SEMI-PRECIOUS STONES OR COMBINATION OF SAID METALS AND PRECIOUS OR SEMI-PRECIOUS STONES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. The Clerk of the Peace of any county shall from time to time, upon satisfactory proof, grant licenses under his hand and official seal to such persons, citizens of the State of Delaware, and corporations existing under the laws of the State of Delaware, to buy and sell old gold, silver, platinum, gold or silver plate metal, precious stones and semi-precious stones or combination of said metals and precious or semi-precious stones, provided the said person, firm or corporation for one year or upwards has maintained in the State of Delaware, in said county, a regular place of business, and has been duly licensed for one year or upwards either by the State or by the City of Wilmington, or both, to there transact the trade or occupation as a jeweler, which license shall designate the building or buildings in which said person, firm or corporation shall carry on said business and no person, firm or corporation shall engage in or carry on said business in any of the said counties of said State without having been duly licensed by the Clerk of the Peace of said County nor in any other building or buildings than the one or ones designated in said license.

Section 2. Every person, firm or corporation receiving such license for conducting the business of the purchase of old gold, silver, platinum, gold or silver plate metal, precious stones and semi-precious stones or combination of said metals and precious or semi-precious stones shall pay therefor to the Clerk of the Peace of the

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County the sum of Fifteen Dollars (\$15.00) for the use of the State of Delaware.

Section 3. Every person, firm or corporation conducting the business of buying and selling old gold, silver, platinum, gold or silver plate metal, precious stones and semi-precious stones or combination of said metals and precious or semi-precious stones shall keep a book or books in which shall be fairly written in English at the time of each purchase an accurate account and description of the goods, articles or things purchased, the time of purchasing same, together with the name, address and description of the person selling such articles, including the color of his complexion, color of eyes and hair and his or her stature and general appearance. Said book or books shall be prepared and furnished to such person, firm or corporation by the Police Department of the City of Wilmington or by the Clerk of the Peace of any County at the expense of such person, firm or corporation so conducting the business aforesaid. It shall also be the duty of such person, firm or corporation so conducting the business aforesaid to keep at his place of business, as specified in his license, the articles so purchased for the term of at least thirty (30) days before reselling or disposing of the same.

Section 4. It shall be the duty of every person, firm or corporation engaged in said business, and of every person employed in the conduct of said business, to admit to any and every part of the premises designated in the license and at any time any member of the police force of the City of Wilmington or other peace officer of the State to examine any goods, articles or things, book or books or other record on the premises, and to search for and take into possession any article known or believed by such police officer of the City of Wilmington or peace officers of the State to have been stolen; and such police officer of the City of Wilmington and peace officer of the State are given full power and authority to make any such search or seizure as provided for in this Chapter.

Section 5. It shall at all times be the express duty of any person, firm or corporation so conducting the said business of buying and selling old gold, silver, platinum, gold or silver plate metal,

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precious stones and semi-precious stones or combination of said metals and precious or semi-precious stones, to seize or take into possession any goods offered to such person, firm or corporation for sale, which such person, firm or corporation has reason to believe has been stolen; it shall further be the duty of such person, firm or corporation to immediately notify the Police Department of the City of Wilmington or the peace authorities of any county of such seizure, together with a description of such person or persons offering such goods for sale.

Section 6. Any person, firm or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction therefor shall forfeit and pay a fine of not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) for the use of the State of Delaware. In default of the payment of any fine imposed under provision of this Section, the Court shall impose upon conviction a term of imprisonment of not less than one month nor more than one year for each and every offense.

Approved April 8, 1935.

CHAPTER 29

JUNK DEALERS LICENSE

**AN ACT REQUIRING NON-RESIDENT JUNK DEALERS DOING
A BUSINESS IN THE STATE OF DELAWARE TO SECURE A
LICENSE THEREFOR.**

*Be it enacted by the Senate and House of Representatives of
the State of Delaware in General Assembly met:*

Section 1. Any non-resident junk dealer or person or persons desiring to conduct the business of dealing in junk shall not be permitted to conduct and carry on such business within the State of Delaware until such person or persons shall have first secured a license therefor and shall pay to the Clerk of the Peace of the County in which the principal business of such licensee shall be conducted or carried on, the sum of One Hundred Dollars (\$100.00); provided however, that such license shall not be required when such non-resident dealer is buying from and selling to or exchanging goods, wares and merchandise, with an established qualified dealer of the State of Delaware. The license provided for in this section shall expire on the 30th day of June next succeeding the issuance thereof.

Section 2. Any person found guilty of violating any of the provisions of this Act before any Justice of the Peace in the State of Delaware or any Court of Common Pleas in the State of Delaware shall forfeit and pay a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) and in lieu of the payment of such fine shall be imprisoned not less than three months nor more than six months.

Approved April 12, 1935.

CHAPTER 30

COLLECTION OF CERTAIN LICENSE FEES, AND ISSUANCE
OF LICENSES PLACED UNDER SUPERVISION
OF TAX DEPARTMENTAN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF
DELAWARE, 1915, AS AMENDED, RELATING TO STATE
REVENUE.

*Be it enacted by the Senate and House of Representatives of
the State of Delaware in General Assembly met:*

Section 1. That Chapter 6 of the Revised Code of Delaware, 1915, as amended, be and the same is hereby further amended by adding immediately after 226. Sec. 189. thereof, a new section, to be styled 226A. Sec. 189A., as follows:

226A. Sec. 189A. On and after the first day of June, A. D. 1935, the administration and enforcement of all the provisions of Chapter 6 of the Revised Code of Delaware, 1915, as amended, relating to the payment of license fees and taxes, and the issuance of licenses by and through the Clerks of the Peace of the several counties of this State and the collection of license fees and taxes, and fees payable to the said Clerks of the Peace for the use of the respective counties, imposed upon the said Clerks of the Peace, are hereby vested in the State Tax Department and the State Tax Commissioner as created by and defined in Chapter 8 of Volume 36, Laws of Delaware.

The said Tax Department shall prepare all necessary forms and blanks required in the administration and enforcement of the provisions of this section with reference to the said license fees and taxes and the issuance of the said licenses and the collection of the said fees and taxes heretofore imposed upon the said Clerks of the Peace.

The said Tax Department is hereby authorized and empowered to retain out of the monies collected under the provisions of this Section such amount as the State Tax Commissioner shall deem

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necessary to defray the expenses of the administration and enforcement of the provisions of this Act, until such time as appropriation therefor is provided by the General Assembly.

It shall be the duty of the said Tax Department, on or before the first day of May A. D. 1935, and on or before the first day of May of each and every year thereafter, to prepare blank licenses for each business, trade, pursuit or occupation mentioned and enumerated in Sections 159, 161, 162, 166, 174, 181, 184 and 192, of Chapter 6 of the said Revised Code, as amended, in such form as the said Tax Department shall deem proper. The said licenses shall be signed by the signature or by the facsimile signature of the said Tax Commissioner and shall each bear the date of issue and shall expire each year on the first day of June following the date of issue. The said Tax Department shall keep a record of the same and shall send to the Auditor of Accounts, on or before the second Tuesday of each and every month, a statement of all licenses issued during the next preceding calendar month. The said Auditor of Accounts shall keep an account, in the books of his office, of all blank licenses issued by the said Tax Department in pursuance of the provisions of this Section; and all the provisions of Chapter 16 of the said Revised Code, as amended, relative to the duties and powers of the Auditor of Accounts in settling the accounts of the several Clerks of the Peace, shall apply with equal force and effect to the said Tax Department relative to the licenses in this Section mentioned, and in the Sections herein referred to, and, in the enforcement of such settlement, shall extend to and be applied to the licenses and fees to the State therefor which the said Tax Department is by this Section, and by Sections 159, 161, 162, 167, 174, 182, 185 and 192, of Chapter 6 of the said Revised Code, as amended, authorized and required to issue and collect.

The said Tax Department shall, on or before the second Tuesday of each and every month, or more frequently if the said Tax Department shall desire, plainly state, under the hand of the said Tax Commissioner, a full and true account of all money by the said

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Tax Department received, or for which said Tax Department is accountable, for fees and taxes for the use of the State, for all licenses issued by the said Tax Department under the provisions of this Section, and under the provisions of Sections 159, 161, 162, 167, 174, 182, 185 and 192, of Chapter 6 of the said Revised Code, as amended, during the next preceding calendar month, and shall deposit to the credit of the State Treasurer, in the Farmers Bank of the State of Delaware, at Wilmington, or at Dover, or at Georgetown, the full amount due on such account, or in such portion or portions thereof at any of said places as the said Tax Department shall be most convenient, and send such account to the State Treasurer with a certificate of such deposit or deposits endorsed thereon.

A failure to state such account and make such deposit within the time prescribed shall, besides making the State Tax Commissioner liable for money due the State, be a misdemeanor, and upon conviction thereof by any court of competent jurisdiction, he shall forfeit and pay a fine not in excess of One Thousand Dollars (\$1,000.00), or be imprisoned for a term not exceeding one year, or by both such fine and imprisonment in the discretion of the Court. The condition of the bond of the said Tax Commissioner, as required by law, shall extend to and cover all the monies collected by the said Tax Department under the provisions of this Section and Sections 159, 161, 162, 166, 174, 182, 185 and 192 of Chapter 6 of the said Revised Code, as amended, and to each and all of the duties herein and therein required of him, and every failure to make such account and/or deposit, within the time prescribed, with certificate of deposit endorsed thereon, duly forwarded to the State Treasurer, shall constitute a breach of the conditions of the said bond.

It shall be the duty of every Justice of the Peace, Sheriff, Deputy Sheriff and Constable, within their respective counties, whenever he shall have knowledge that any individual, co-partnership, firm or corporation, or any other association of persons acting as a unit, is or are engaged in, prosecuting, following or carrying on,

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or practicing or conducting any business, trade, pursuit, or occupation mentioned and enumerated in Sections 159, 161, 162, 166, 174, 181, 184 and 192, of Chapter 6 of the said Revised Code, as amended, without having first obtained a license therefor as required in and by the last named sections of Chapter 6 of the said Revised Code, as amended, or any of them, to make complaint or cause complaint to be made thereof, to the said Tax Department and/or the Collector of State Revenue, who shall thereupon proceed according to the provisions of Chapter 6 of the said Revised Code, as amended, relative thereto, and the jurisdiction of said Justices of the Peace, Sheriffs, Deputy Sheriffs and Constables relative to misdemeanors and offenses shall extend and apply to misdemeanors and offenses created by this Section and by Sections 160, 161 and 186 of Chapter 6 of the said Revised Code, as amended, so far as the same are applicable and not inconsistent herewith. Every individual, co-partnership, firm or corporation, or any other association of persons acting as a unit, engaged in prosecuting, following, or carrying on, or practicing or conducting any business, trade, pursuit or occupation mentioned and enumerated in Sections 159, 161, 162, 166, 174, 181, 184, and 192 of Chapter 6 of the said Revised Code, as amended, shall on demand of any officer of the said Tax Department, the Collector of State Revenue, any Justice of the Peace, Sheriff, Deputy Sheriff, or Constable, or on demand of any citizen of this State, produce the license therefor, and unless he, she or they shall so do, it shall be presumptive evidence that he, she or they, as the case may be, has or have no license.

Any Justice of the Peace, Sheriff, Deputy Sheriff, or Constable, who shall neglect or refuse to perform the duty required of him, as in this Section provided, shall be deemed guilty of a misdemeanor and, upon conviction thereof by any court of competent jurisdiction, shall be fined in the discretion of the Court.

Any public officer, who, having made an arrest under the provisions of this Section, shall accept or receive any money, or reward of any kind, as a condition of releasing the person arrested without

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prosecution, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not exceeding One Hundred Dollars (\$100.00) or imprisoned for a term not exceeding twenty days, or shall be punished by both such fine and imprisonment in the discretion of the court.

Section 2. That all acts or parts of acts inconsistent with this Act, and particularly Sections 237 of Chapter 6 of the said Revised Code, as amended by Section 45 B., of Chapter 72 of Volume 29, Laws of Delaware, and Chapter 80 of Volume 33, Laws of Delaware, and Section 16 of Chapter 79 of Volume 28, Laws of Delaware, and also sections 5, 7, 8, 13 and 14 of Chapter 47 of the said Revised Code, as amended, are hereby repealed to the extent of and only to the extent of any such inconsistency.

Approved, April 8, 1935.

CHAPTER 31

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 10, VOLUME 36, OF THE LAWS OF DELAWARE, AS AMENDED BY CHAPTER 10, VOLUME 37 AND CHAPTER 27, VOLUME 38, LAWS OF DELAWARE RELATING TO FEES FOR REGISTRATION OF MOTOR VEHICLES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 10, Volume 36, Laws of Delaware as amended by Chapter 10, Volume 37, and Chapter 27, Volume 38, Laws of Delaware, be and the same is hereby amended by striking out and repealing all of Section 26 of Title 4 of said Act and inserting in lieu thereof the following new Section to be styled Section 26 of Title 4.

Section 26. There shall be paid to the Department for the Registration of Motor Vehicles, Trailers, and Semi-Trailers, fees according to the following schedule:

For the registration of any Motor Cycle the fee shall be Four Dollars (\$4.00).

For the registration of any Motor Vehicle, equipped and used solely for well digging or drilling purposes, the fee shall be Fifty Cents (\$0.50) for every five hundred (500) pounds or fraction thereof of the gross load weight of the vehicle up to and including five thousand (5000) pounds; in event the gross load weight shall exceed five thousand (5000) pounds, the fee for each five hundred (500) pounds or fraction thereof over and above five thousand (5000) pounds shall be One Dollar (\$1.00) for every five hundred (500) pounds or fraction thereof. The gross load weight shall be the weight of the chassis, body, equipment and maximum allowable load as specified by the applicant.

For other Motor Vehicles, the fee shall be One Dollar and Fifty Cents (\$1.50) for every five hundred (500) pounds or frac-

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tion thereof of the gross load weight of the vehicle up to and including five thousand (5000) pounds; in the event the gross load weight shall exceed five thousand (5000) pounds, the fee for each five hundred (500) pounds or fraction thereof over and above five thousand (5000) pounds shall be Two Dollars (\$2.00) for every five hundred (500) pounds or fraction thereof. The gross load weight shall be the weight of the chassis, body equipment and maximum allowable load as specified by the Applicant.

The gross load weight of a vehicle, the use of which is for pleasure or for the chief purpose of carrying persons, shall be ascertained by multiplying the maximum number of persons the vehicle is provided to carry by one hundred and twenty-five (125) pounds and adding the result thereby obtained to the weight of the vehicle as specified in the application.

The fee to be paid for the registration of a Convertible Vehicle shall be estimated upon that gross load weight which shall be the greater whether or not the vehicle is a carrier of persons or a carrier of property.

The fee for registering motor vehicles at any period between July the first and December the fifteenth shall be 50% of those as above enumerated.

The fee for licensed manufacturers or dealers, shall be Twenty Dollars (\$20.00) for the first registration (to cover two sets of plates), and Eight Dollars (\$8.00) for each additional set of plates.

Section 2. The fees above set forth for the registration of Motor Vehicles shall not in any manner apply to the registration of Motor Vehicles for the year 1935, this Act to become effective and apply to the registration of Motor Vehicles for the year 1936. The Commissioner of the Department of Motor Vehicles of the State of Delaware shall charge as registration fees of motor vehicles the sum or sums set forth in this Act.

Approved February 18, 1935.

CHAPTER 32

MOTOR VEHICLES

AN ACT TO AMEND THE LAWS OF THE STATE OF DELAWARE IN RELATION TO THE IDENTIFICATION OF MOTOR VEHICLES, AS CONTAINED IN CHAPTER 9, VOLUME 35, AND IN CHAPTER 10, VOLUME 36, AND IN CHAPTER 11, VOLUME 37, AND IN CHAPTER 28, VOLUME 38.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 1 of Chapter 9, Volume 35, and Section 35, Chapter 10, Volume 36, and Section 3, Chapter 11, Volume 37, and Section 1, Chapter 28, Volume 38, Laws of Delaware, be amended by striking out all of the said Sections and by inserting in lieu thereof the following to be known as Section 35 of the Motor Vehicle Laws of the State of Delaware:

Section 35. Application for a Certificate of Title:—(a) Every application for an original certificate of title shall be made upon the appropriate form furnished or approved by the Department and shall contain a full description of the motor vehicle including the name of the maker, the engine and serial numbers and any distinguishing marks thereon and whether the vehicle is new or used, together with a full and complete statement of each and all liens or encumbrances, if any, upon the said motor vehicle. The said application shall have permanently attached thereto a duplicate original of every conditional sale contract, chattel mortgage, lease, note or notes, or other like written agreement, if any, whereby any lien or encumbrance is sought to be secured upon the said motor vehicle. The said application shall also contain a statement of the name and address of the person, firm, or corporation to whom the certificate of title shall be delivered, and such other information as the Department may require. Every application shall be accompanied by a fee of One Dollar, which shall be in addition to any fee charged for the registration of such vehicle. Whenever a new motor vehicle is purchased from a dealer the application for a certificate of title shall also include a statement of transfer by the said dealer.

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In the event that any claim of any kind is sought to be secured upon any motor vehicle, for which a certificate of title has been previously issued by the Department, and the said certificate remains outstanding and valid and no assignment of the said certificate has been made, or sought to be made, and no transfer of title or ownership or possession of the said motor vehicle is made or sought to be made, the said certificate of title shall be returned to the Department, together with the application for placing and recording of such claim as a lien or encumbrance upon the said motor vehicle. The said application shall be made upon the appropriate form furnished or approved by the Department, and shall have permanently attached thereto a duplicate original of any written instrument upon which the said claim is to be evidenced and whereby such claim is sought to be secured as a valid lien or encumbrance upon the said motor vehicle. Every application shall be accompanied by a fee of One Dollar, which shall be in addition to any other fees in this Article provided. Upon the filing of the said application and the entering of said claim, the certificate of title shall be returned to the person entitled to receive the same.

The Vehicle Commissioner is hereby authorized and directed to keep a permanent record in bound volumes of such liens or encumbrances hereinbefore mentioned and for making entry of same in said volumes the said Vehicle Commissioner shall make a charge of Fifty Cents, which shall be paid by the applicant.

Upon final payment being made on any lien or encumbrance so recorded, the holder of said lien or encumbrance either in person or by power of attorney shall satisfy the lien register in the office of the Vehicle Commissioner within thirty days from the date of final payment. When such liens or encumbrances have been fully paid by the owner of such motor vehicle and satisfied by the holders of the lien or encumbrance so recorded as aforesaid, such record of satisfaction shall be entered upon the certificate of title when presented at the office of the Vehicle Commissioner and for entering the satisfaction of said lien or encumbrance in the lien register in said office, the creditor shall pay to the said Vehicle Commissioner a fee of Twenty-five cents.

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For failure to satisfy any lien or encumbrance within thirty days after final payment has been made, the lien holder shall be subject to a fine of not less than Five Dollars (\$5.00) and not more than One Hundred Dollars (\$100.00). Proceedings for enforcement of these provisions shall be made by the Vehicle Commissioner in the office of any Justice of the Peace in this State. Should any lien holder fail, refuse or neglect to satisfy any lien or encumbrance, so recorded as above provided, within sixty days after final payment thereon has been made, the Vehicle Commissioner, after due and timely notice given to said lien holder, shall have authority, upon the presentation of convincing evidence, which he shall retain in his office and file with the lien registrar, to satisfy such lien or encumbrance recorded in the lien register as hereinbefore provided.

Any lien recorded in favor of a firm or corporation which, since the recording of such lien, has dissolved, ceased to do business, or gone out of business for any reason whatsoever, and which shall remain of record as a lien of such firm or corporation for a period of more than three years from the date of the recording thereof in the office aforesaid, shall become null and void and of no further force and effect.

(b) The owner shall verify every application for a certificate of title before a person authorized to administer oaths. Officers and employees of the Department, designated by the Commissioner, are hereby authorized to administer oaths and it is their duty to do so without fee or compensation for the purpose of this Act.

(c) The Department shall maintain an engine number index of registered motor vehicles and, upon receiving an application for a certificate of title, shall check the engine number shown in the application against said index and against the stolen and recovered motor vehicle index, required to be maintained by Section 43 of this Act.

Approved March 22, 1935.

CHAPTER 33

MOTOR VEHICLES

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CONCERNING MOTOR VEHICLES AND MAKING UNIFORM THE LAW RELATING THERETO", AS AMENDED.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 10, Volume 36, Laws of Delaware, as amended, be and the same is hereby amended as follows:

Except in Article II, Title I, Section 2 of Chapter 10, Volume 36, Laws of Delaware, as amended, the words "Secretary of State", wherever they appear, are hereby stricken from said Act, as amended, and the words "the Vehicle Commissioner" substituted in lieu thereof and made a part of said Act, as amended.

Section 2. The provisions of this Act in so far as they relate to the issuance of operators' and chauffeurs' licenses shall not become effective until the first day of March, A. D. 1936.

Approved March 22, 1935.

CHAPTER 34

MOTOR VEHICLES

AN ACT TO AMEND AN ACT ENTITLED "AN ACT PROVIDING FOR SECURITY FOR THE PAYMENT OF DAMAGES CAUSED BY THE OPERATION OF MOTOR VEHICLES."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 14, Volume 37, Laws of Delaware, be and the same is hereby amended by repealing Section 1 of said Act and by inserting in lieu thereof a new Section 1 as follows:

Section 1. The Vehicle Commissioner of the State shall require proof of financial responsibility to the extent of at least Five Thousand Dollars (\$5,000.00) to satisfy any claim for damages founded upon personal injury to or the death of any person, and to the extent of at least One Thousand Dollars (\$1,000.00) to satisfy any claim for damage to property, from every driver of a motor vehicle who, subsequently to the time when this Act takes effect, shall have been adjudged guilty in any Court having jurisdiction thereof of any of the following offenses, namely:

1. Manslaughter resulting from the operation of a motor vehicle;
2. The crime of assault in which a motor vehicle is used and the death of a human being results;
3. Driving a vehicle while under the influence of intoxicating liquor or narcotic drug;
4. Perjury or the making of a false affidavit to the Department under this Act or any other law of this State requiring the registration of motor vehicles or regulating their operation on highways;
5. Any crime punishable as a felony under the motor vehicle

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laws of this State or any other felony in the commission of which a motor vehicle is used;

6. Conviction or forfeiture of bail upon three charges of reckless driving all within the preceding twelve months;

7. A conviction of a driver of a motor vehicle, involved in an accident resulting in the death or injury of another person, upon a charge of failing to stop and disclose his identity at the scene of the accident; or such proof of financial responsibility to satisfy any claim for damages as aforesaid may be required from the person, firm or corporation in whose name any such motor vehicle is registered; or from both. If such driver or registrant shall fail to furnish such proof, as shall be required by the Vehicle Commissioner under the provisions of this Act, then said Vehicle Commissioner may, until such proof shall be furnished, suspend the registration of any motor vehicle registered in the name of such driver and/or such registrant, and/or refuse thereafter to issue to such driver a license to operate a motor vehicle in this State, and refuse thereafter to register any motor vehicle owned by such driver and/or registrant, or if such driver and/or registrant shall not be a resident or residents of or located in this State, withdraw from such driver and/or registrant the privilege of operating any motor vehicle in this State, and the privilege of operation within this State of any motor vehicle owned by such driver and/or registrant, or refuse to register any motor vehicle transferred by such driver and/or registrant if it shall not appear to said Vehicle Commissioner's satisfaction that such transfer is a bona fide sale. In the event that the driver and/or registrant is a non-resident, then it shall be the duty of the Vehicle Commission to transmit to the Commissioner of Motor Vehicles, or officer in charge of the issuance of operator's permits and registration certificates of the State of which the driver and/or registrant is a resident, a formal notice of his action in the premises.

Section 2. That Chapter 14, Volume 37, Laws of Delaware, be and the same is hereby further amended by repealing all of

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Section 7 thereof and by inserting in lieu thereof a new Section 7 as follows:

Section 7. The said Vehicle Commissioner may cancel any such bond or return any such evidence of insurance, or the State Treasurer may, with the consent of the said Vehicle Commissioner, return any such money or collateral to the depositor thereof, provided such proof of financial responsibility shall have been furnished and consistently maintained for a period of three years and during which time the person furnishing the same shall not have been convicted of any offense mentioned or referred to in this Act and provided no action shall be pending nor any judgment shall remain unsatisfied, arising out of the operation of a motor vehicle, against the person, firm or corporation furnishing such proof of financial responsibility.

Approved March 27, 1935.

CHAPTER 35

MOTOR VEHICLES TO BE EQUIPPED WITH
SAFETY GLASS

AN ACT MAKING IT UNLAWFUL TO OPERATE A MOTOR VEHICLE ON ANY PUBLIC STREET OR HIGHWAY IN THIS STATE UNLESS SUCH MOTOR VEHICLE BE EQUIPPED WITH SAFETY GLASS WHENEVER GLASS IS USED IN PARTITIONS, DOORS, WINDOWS OR WINDSHIELDS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That on and after July 1, 1935, and except as hereinafter otherwise provided, it shall be unlawful to operate, on any public highway or street in this State, any motor vehicle which is registered in the State of Delaware and which shall have been manufactured or assembled on or after July 1, 1935, unless such motor vehicle be equipped with safety glass, wherever glass is used in partitions, doors, windows, or windshields.

Section 2. That the term "safety glass" as used in this act shall be construed as meaning glass so treated or combined with other materials as to reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from external sources or by glass when the glass is cracked or broken.

Section 3. That the provisions of this Act shall not apply to any private passenger motor vehicle of less than eight-passenger seating capacity which is not used for carrying passengers for compensation or hire, or to any truck, if such private passenger motor vehicle, or such truck, shall have been registered previously in another state by the owner while the owner was a bona fide resident of the same other state.

Section 4. That the Motor Vehicle Department of this State shall maintain a list of approved types of glass, conforming to the specifications and requirements for safety glass as set forth in this Act, and shall not issue a license for or relicense any motor vehicle

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subject to the provisions of this act, unless such motor vehicle be equipped as herein provided with such approved type of glass.

Section 5. That the said Motor Vehicle Department shall require sellers in bills of sale and owners of motor vehicles in certificates of title to certify the type of glass used in partitions, doors, windows and windshields of each car sold, and whether said vehicle was manufactured or assembled after July 1, 1935.

Section 6. That the operator owner or custodian of any motor vehicle which is operated in violation of the provisions of this Act shall be deemed guilty of a misdemeanor and, upon conviction thereof in any Court of competent jurisdiction, shall be subjected to a fine of \$25.00, or ten days in jail, or both, in the discretion of the Court. In case of any violation of the provisions of this act by any common carrier or person operating under a permit or certificate issued by any public authority, in addition to such penalty, such permit or certificate shall be revoked, or, in the discretion of the issuing authority, suspended, until the provisions of this act are satisfactorily complied with.

Approved April 12, 1935.

CHAPTER 36

MOTOR VEHICLES

AN ACT TO AMEND THE MOTOR VEHICLE LAWS OF THE STATE OF DELAWARE IN RELATION TO TRAFFIC CONTROL.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Act entitled "An Act concerning Motor Vehicles and making Uniform the Law relating Thereto", being Chapter 10, Vol. 36, Laws of Delaware, be and the same is hereby amended by adding, immediately after Section 100 thereof, two new sections to be known as Section 100A and Section 100B respectively as follows:

"Section 100A. The State Highway Department, with reference to State Highways, and local authorities, with reference to highways under their jurisdiction, are hereby authorized to erect and maintain at any intersection a traffic control signal or signals, being any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed.

(a) Whenever traffic at an intersection is controlled by a traffic control signal, exhibiting colored lights, or the words "GO", "CAUTION", and/or "STOP", said lights and terms shall indicate as follows:

(1) GREEN OR "GO":—Traffic facing the signal may proceed, except that vehicular traffic proceeding under such signal shall yield the right of way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the time such signal was exhibited.

(2) YELLOW OR "CAUTION":—When shown alone following the green or "GO"—Traffic facing the signal shall stop before entering the nearest crosswalk at the intersection unless so close to the intersection that a stop cannot be made in safety.

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(3) RED OR "STOP":—Traffic facing the signal shall stop before entering the nearest crosswalk at the intersection or at such other point as may be plainly and officially designated, and remain standing until Green or "GO" is shown alone.

(b) The driver of a vehicle or the motorman of a street car intending to turn to the right or left at an intersection where traffic is controlled by traffic control signals or by a police officer shall proceed to make either turn with proper care to avoid accident and only upon the "GO" signal, unless otherwise directed by a police officer or by official traffic signs or special signals."

"Section 100B. Where lanes for traffic and/or directional signs are officially marked or placed on or along any highway or at any intersection by authority of the State Highway Department, or any local authority, each vehicle being operated on such marked highway or intersection shall be driven in the lane or in accordance with the marking or sign indicated for traffic in the direction such vehicle desires to proceed."

It shall be unlawful for any person to violate any of the foregoing provisions and any person convicted of a violation of the foregoing shall be punished as provided by Section 142 of the Uniform Motor Vehicle Law, to which this law is an amendment.

Section 2. That nothing in this Act shall be held to prevent any incorporated city or town in this State from establishing and maintaining any such traffic control signal or signals, within its corporate limits, as shall be authorized by ordinance or by direction of the proper constituted authority of such city or town.

Approved April 12, 1935.

CHAPTER 37

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 30 OF VOLUME 38, LAWS OF DELAWARE, ENTITLED "AN ACT TO AMEND CHAPTER 10, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT CONCERNING MOTOR VEHICLES AND MAKING UNIFORM THE LAW RELATING THERETO."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 30 of Volume 38, Laws of Delaware be, and the same is hereby amended by repealing all of Section 1 of said Chapter 30 of Volume 38, and inserting in lieu thereof the following:

"That Section 142 of Chapter 10 of Volume 36, Laws of Delaware, as amended by Chapter 10 of Volume 37, Laws of Delaware, as further amended by Chapter 30 of Volume 38, Laws of Delaware, be and the same is hereby amended by adding the following words at the end of the first paragraph of said Section:

Provided, however, that all second offenses under Sections 83 to 106 inclusive, and that all second or subsequent offenses under Section 117 of said Chapter 10 of Volume 36, Laws of Delaware as amended, shall, before being punishable as such, have been committed within twelve (12) months after the commission of the first offense."

Approved April 18, 1935.

CHAPTER 38

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 10 OF VOLUME 36, LAWS OF DELAWARE, AS AMENDED, RELATING TO MOTOR VEHICLES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 26, Title 4, Chapter 10 of Volume 36, Laws of Delaware, as amended by Chapter 10 of Volume 37, Laws of Delaware, and as further amended by Chapter 27 of Volume 38, Laws of Delaware, be and the same is hereby further amended by repealing all of said Section 26 as amended and by inserting in lieu thereof the following:

Section 26. There shall be paid to the Department for the Registration of Motor Vehicles, Trailers, and Semi-Trailers fees according to the following schedule:

For the registration of any Motor-Cycle the fee shall be Four Dollars (\$4.00).

For other Motor Vehicles, except those propelled by Diesel engines, the fee shall be One Dollar and Fifty Cents (\$1.50) for every five hundred (500) pounds or fraction thereof of the gross load weight of the vehicle up to and including five thousand (5,000) pounds; in the event the gross load weight shall exceed five thousand (5,000) pounds, the fee for each five hundred (500) pounds or fraction thereof over and above five thousand (5,000) pounds shall be Two Dollars (\$2.00) for each five hundred (500) pounds or fraction thereof. The gross load weight shall be the weight of the chassis, body, equipment and maximum allowable load as specified by the applicant. For Motor Vehicles propelled by Diesel engines the fee shall be twice the amount of the fee as is in this paragraph above provided for other Motor Vehicles.

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The gross load weight of a vehicle, the use of which is for pleasure or for the chief purpose of carrying persons, shall be ascertained by multiplying the maximum number of persons the vehicle is provided to carry by one hundred twenty-five (125) pounds and adding the result thereby obtained to the weight of the vehicle as specified in the application.

The fee to be paid for the registration of a Convertible Vehicle shall be estimated upon that gross load weight which shall be the greater whether or not the vehicle is a carrier of persons or a carrier of property.

The fee for registering motor vehicles at any period between July the first and December the fifteenth shall be 50% of those as above enumerated.

The fee for licensed manufacturers or dealers shall be Twenty Dollars (\$20.00) for the first registration (to cover two sets of plates), and Eight Dollars (\$8.00) for each additional set of plates.

Section 2. That Section 59 of Volume 36, Laws of Delaware, as amended by Chapter 13 of Volume 37, Laws of Delaware be and the same is hereby further amended by repealing the words "*As the result of the bad operating record of any such person*", as they appear in the last two lines of paragraph (d) of said Section 59, as amended, as aforesaid.

Section 3. That Section 59 of Volume 36, Laws of Delaware, as amended by Chapter 13 of Volume 37, Laws of Delaware, be and the same is hereby further amended by adding thereto an additional paragraph, as follows:

(e) The Department, for sufficient reasons, shall have authority to refuse to issue any form of license or permit to any applicant or to revoke any such license by the said Department heretofore issued. Provided, however, that upon such refusal or revocation, such applicant shall have a right of appeal to the Court of General Sessions of the County in which he resides, but in the case of revocation such appeal shall not operate as a stay.

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Section 4. That Section 135 of Chapter 10 of Volume 36, Laws of Delaware, be and the same is hereby amended by adding thereto the following:

Any person failing to answer any summons to appear in any court of competent jurisdiction to answer for any violation of the motor vehicle laws of this State, after notice thereof served personally or securely fastened to the motor vehicle of which such person is the owner or operator, and any person holding an operator's or chauffeur's license issued to him or her, under the laws of this State, or having a motor vehicle or tractor registered in his or her name, under the laws of this State, and shall fail or neglect, within one week after any change of his or her address, to notify the Department of any such change of address, shall be deemed guilty of a misdemeanor and, upon conviction thereof in any Court of competent jurisdiction, shall be punished in accordance with Section 141.

Section 5. That Chapter 10 of Volume 36, Laws of Delaware, be and the same is hereby amended by adding immediately after Section 135 thereof the following new Section, to be styled Section 135A., as follows:

Section 135A. Motor Vehicles to Carry Flares or Similar Devices:—

(a) No person shall operate any motor truck upon a highway outside of a business or residence district at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle a sufficient number of flares, not less than three, or electric lanterns or other signals capable of continuously producing three warning lights each visible from a distance of at least 500 feet for a period of at least 8 hours, except that a motor vehicle transporting flammables may carry red reflectors in place of the other signals above mentioned.

Every such flare, lantern, signal, or reflector shall be of a type approved by the commissioner and he shall publish lists of those devices which he has approved as adequate for the purposes of this section.

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(b) Whenever any motor truck and its lighting equipment are disabled during the period when lighted lamps must be displayed on vehicles and such motor truck cannot immediately be removed from the main travelled portion of a highway outside of a business or residence district, the driver or other person in charge of such vehicle shall cause such flares, lanterns, or other signals to be lighted and placed upon the highway, one at a distance of approximately 100 feet in advance of such vehicle, one at a distance of approximately 100 feet to the rear of the vehicle and the third upon the roadway side of the vehicle, except that if the vehicle is transporting flammables three red reflectors may be so placed in lieu of such other signals and no open burning flare shall be placed adjacent to any such last mentioned vehicle.

(c) No person shall at any time operate a motor truck transporting explosives as a cargo upon a highway unless it carries flares or electric lanterns as herein required, but such flares or electric lanterns must be capable of producing a red light and shall be displayed upon the roadway when and as required in this section.

Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and, upon conviction thereof in any Court of competent jurisdiction, shall be punished in accordance with Section 141.

Section 6. That Chapter 10 of Volume 36, Laws of Delaware, be and the same is hereby amended by repealing all of Section 139 thereof, and by inserting in lieu thereof two new Sections, to be styled 139 and 139A.

Section 139. Injuring Signs:—Any person who shall deface, injure, knock down or remove any sign posted as provided in this Act shall be guilty of a misdemeanor, punishable as provided in Section 142.

Section 139A. Vehicles Transporting Explosives:—Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this section.

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(a) Said Vehicle shall be marked or placarded on each side and the rear with the word "Explosives" in letters not less than 8 inches high, or there shall be displayed on the rear of such vehicle a red flag not less than 24 inches square marked with the word "Danger" in white letters 6 inches high.

(b) Every said vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used.

(c) The commissioner is hereby authorized and directed to promulgate such additional regulations governing the transportation of explosives and other dangerous articles by vehicles upon the highways as he shall deem advisable for the protection of the public.

Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and, upon conviction thereof in any Court of competent jurisdiction, shall be punished in accordance with Section 142.

Section 7. That Chapter 10 of Volume 36, Laws of Delaware, by adding immediately after Section 91 thereof two additional Sections, to be styled 91A. and 91B., as follows:

91A. Overtaking and Passing School Bus:—

(a) The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall drive at a speed which is reasonable and prudent and with due caution for the safety of any such children and in no event in excess of 10 miles per hour in passing such school bus.

(b) This section shall be applicable only in the event the school bus shall bear upon the front and rear thereon a plainly visible sign containing the words "school bus" in letters not less than 4 inches in height which can be removed or covered when the vehicle is not in use as a school bus.

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91B. Regulations Relative to School Buses:—

(a) The State Board of Education, by and with the advice of the Motor Vehicle Commissioner, shall adopt and enforce regulations not inconsistent with this act to govern the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this State and such regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to said regulations.

(b) Any officer or employee of any school district who violates any of said regulations or fails to include obligation to comply with said regulations in any contract executed by them on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any said regulations shall be guilty of breach of contract and such contract shall be canceled after notice and hearing by the responsible officers of such school district.

Section 8. That Chapter 10 of Volume 36, Laws of Delaware, be and the same is hereby amended by adding, immediately after Section 123 (b), a new paragraph, as follows:

(c) Performance Ability of Brakes:—

1. The service brakes upon any motor vehicle or combination of vehicles shall be adequate to stop such vehicle or vehicles when traveling 20 miles per hour within a distance of 30 feet when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed 1 percent.

2. Under the above conditions the hand brake shall be adequate to stop such vehicle or vehicles within a distance of 55 feet and said hand brake shall be adequate to hold such vehicle or vehicles stationary on any grade upon which operated.

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3. Under the above conditions the service brakes upon a motor vehicle equipped with two-wheel brakes only, and when permitted hereunder, shall be adequate to stop the vehicle within a distance of 40 feet and the hand brake adequate to stop the vehicle within a distance of 55 feet.

4. All braking distances specified in this section shall apply to all vehicles mentioned, whether such vehicles are not loaded or are loaded to the maximum capacity permitted under this act.

5. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

Section 9. That Chapter 10 of Volume 36, Laws of Delaware, be and the same is hereby amended by adding immediately after 124 (b), two new paragraphs, as follows:

(c) The commissioner and such officers and employees of the department and such other police officers as the commissioner may authorize in writing may, upon reasonable cause, require the driver of a vehicle to stop and submit such vehicle and its equipment to an inspection and such test with reference thereto as may be appropriate. In the event such vehicle is found to be in an unsafe condition or the required equipment is not present or is not in proper repair and adjustment the officer shall give a written notice to the driver and shall send a copy thereof to the department. Said notice shall require that such vehicle be placed in safe condition and its equipment in proper repair and adjustment and a certificate of inspection and approval for such vehicle be obtained within 5 days.

Every owner or driver upon receiving any such notice shall comply therewith and shall within said 5 days secure an endorsement upon such notice by an official inspection station that such vehicle is in safe condition and its equipment in proper repair and adjustment and shall then forward said notice to the department.

(d) No person shall operate any vehicle after receiving a notice with reference thereto as above provided except as may be

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necessary to return such vehicle to the residence or the place of business of the owner or driver if within a distance of 20 miles, or to a garage, until said vehicle and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirement of this act.

Section 10. That Chapter 10 of Volume 36, Laws of Delaware, as amended by Chapter 10 of Volume 37, Laws of Delaware, be and the same is hereby further amended by adding immediately after Section 114 a new Section to be styled Section 114A., as follows:

114A. Scope and Effect of Regulations:

(a) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which is equipped in any manner in violation of this article, or for any person to do any act forbidden or fail to perform any act required under this article.

(b) The provisions of this article with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

Section 11. That Chapter 10 of Volume 36, Laws of Delaware, as amended by Chapter 10 of Volume 37, Laws of Delaware, be and the same is hereby further amended by adding to paragraph (e) of Section 117 thereof, the following:

The gross weight of a trailer and load together shall not exceed twenty-two thousand (22,000) pounds.

Section 12. That Chapter 10 of Volume 36, Laws of Delaware, as amended, by Chapter 10 of Volume 37, Laws of Delaware, be and the same is hereby further amended by repealing all of

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paragraph (b) of Section 107 thereof, and by inserting a new paragraph (b), as follows:

(b) The driver of any vehicle involved in an accident resulting in apparent damage to property shall immediately stop such vehicle at the scene of such accident and any such person violating this provision shall upon conviction be punished as provided in Section 144 of this Act.

Approved April 18, 1935.

CHAPTER 39
MOTOR VEHICLES

AN ACT REGULATING THE USE OF THE PUBLIC HIGHWAYS
OF THE STATE OF DELAWARE AND IMPOSING A TAX
UPON CARRIERS FOR THE USE THEREOF.

*Be it enacted by the Senate and House of Representatives of
the State of Delaware in General Assembly met:*

Section 1. NAME:—This act shall be known as the "Motor
Transportation Act."

Section 2. DEFINITIONS:—When used in this act the terms:

(a) MOTOR VEHICLE means any self-propelled or motor-
driven vehicle and any trailer or semi-trailer attached thereto, used
upon any public highway in this state in transporting persons or
property, except vehicles operating wholly on fixed rails or tracks.

(b) PUBLIC HIGHWAY means every street, alley, road,
highway and thoroughfare in this state used by the public or dedi-
cated or appropriated to public use.

(c) DEPARTMENT means State Highway Department.

(d) PERSON means an individual, firm, copartnership, cor-
poration, company, association or the assignees, vendees, lessees,
trustees or receivers of any of them.

(e) PUBLIC CARRIER means any person who transports
for hire, or who holds himself out to the public as willing to trans-
port for hire, compensation or consideration by motor vehicle, from
place to place, persons or property, or both, for those who may
choose to employ him.

(f) CONTRACT CARRIER means any person engaged in
transportation by motor vehicle of persons or of property, or of

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both, for hire, under special and individual agreements or leases, and not included in the term public carrier as hereinbefore defined.

(g) **PRIVATE CARRIER** means any person engaged in the transportation by motor vehicle of property sold or to be sold by him in the furtherance of any private commercial enterprise, or property of which such person is the owner or lessee, when transported for the purpose of lease or rent.

(h) **GROSS LOAD WEIGHT** means the sum of the weight of the motor vehicle plus the weight of the maximum load which such motor vehicle may carry as declared by the applicant and approved by the Department at the time of the issuance of the permit. For the purpose of this act, the gross load weight of passenger carrying motor vehicles shall be the light weight of the vehicle plus the weight of the passengers. The weight of the passengers in pounds shall be computed by multiplying the maximum seating capacity of the vehicle including the seat of the driver by 150.

(i) **SAFE FOR OPERATION** shall mean mechanical safety and compliance with such regulations regarding equipment and operation as shall be specified by law or by rule of the Department.

(j) **MOTOR CARRIER** means public carrier, contract carrier and private carrier.

(k) **EXTREME MILES** means the extreme miles or route miles or schedule miles operated by a vehicle over the public highways except the extra miles that may become necessary to operate a vehicle in traversing detours or temporary routes on account of road blockades in excess of the number of miles that would otherwise be required to make the trip by usual highway route.

Section 3. **EXEMPTIONS:**—No portion of this act except this section and Section 19 shall apply to persons operating motor vehicles (a) when operated wholly within the limits of an incorporated city or town and for a distance not exceeding three road miles beyond the corporate limits of the city or town in Delaware in which the original starting point of such vehicle is located and

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which operation either alone or in conjunction with another vehicle or vehicles is not a part of any journey beyond said three-mile limit; or (b) when engaged exclusively in transporting students or their instructors to or from school; or (c) when regularly operating over a rural mail route exclusively under contract with the postal department of the federal government; or (d) when used exclusively by the owner thereof in transporting from point of original production on farm or orchard of such owner in this state the products of said farms or orchards to creameries or to plants devoted to conditioning and packing the products for shipping or when used exclusively by the owner thereof in the transporting of said products from said point of origin to market; or the infrequent transportation on trucks having a capacity of not to exceed one and one-half tons and for nominal consideration by one farmer or orchardist for another farmer or orchardist in his immediate neighborhood of products of the farm, orchard or dairy to market, and the infrequent transportation on such trucks for nominal consideration from market to farm or orchard of foodstuffs or other commodities consumed on said farm or orchard, shall not constitute transportation for hire within the provisions of this act; or (e) vehicles owned and operated by the United States, the State of Delaware, or any county, city, town or municipality in this State; or by any department of any of them; and (f) vehicles especially constructed for towing, wrecking, etc., and not otherwise used in transporting goods and merchandise for compensation.

Persons included in all exempted classes in this section mentioned shall register their vehicles with the Department before the same are put into use; and the Department shall issue for, and the persons operating such motor vehicles shall maintain thereon a distinctive marker indicating that the vehicles are operated exclusively in said exempted classes. No vehicle shall be operated in any of the exempted classes, except classes (a), (c), (d) and (e) without having been first approved by the Department as being safe for operation upon the public highways. It shall be unlawful for any vehicle which is operated under any said exempted classes to be operated for any uses or purposes not falling within said exempted classes.

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Section 4. **DECLARATION OF POLICY:**—The business of operating as a motor carrier of persons or property for hire upon the highways of this State is declared to be a business affected with the public interest. The rapid increase of motor carrier traffic, and the fact that under existing law many motor trucks, trailers and busses are not effectively regulated, have increased the dangers and hazards on public highways and make it imperative that more stringent regulations should be employed, to the end that the highways may be rendered safer for the use of the general public; that the wear of such highways may be reduced; that minimum of inconvenience to other users of the highways may be effected; that minimum hindrance and stoppage to other users of the highways compatible with the needs of the public for adequate transportation service, may be effected; that the highways may be safeguarded from improper or unnecessary usage; that operation by irresponsible persons or any other operation threatening the safety of the public or detrimental to the general welfare be prevented; that the various transportation agencies of the State may be adjusted and correlated so that public highways may serve the best interest of the general public; that it is necessary that statutes be passed to provide a method of assessing privilege taxes to provide for the operation, preservation and maintenance of highways already built, and the legislature hereby declares that to effect the foregoing ends and purposes this statute is adopted.

Section 5. No motor carrier, as herein defined, shall operate any motor vehicle for the transportation of either persons or property, or both, on any public highway in this State, except in accordance with the provisions of this act.

Section 6. **MOTOR CARRIERS REGULATED:**—The Department hereby is vested with power and authority, and it shall be its duty to supervise and regulate all motor carriers of persons or of property, or of both, as defined in Section 2 of this act, and with respect thereto:

(a) To prescribe and require reasonable precautions for safety of operation of motor vehicles;

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(b) To relieve the highways of all undue burdens and to safeguard traffic thereon by promulgating and enforcing reasonable rules, regulations and orders designed and calculated to prevent serious highway congestion, and to minimize the dangers attending transportation on the public highways of all persons and commodities including explosives or highly inflammable or combustible liquids, fluids, substances or gases.

Section 7. RULES AND REGULATIONS:—The Department shall have power and is required, by general order or otherwise, to prescribe and enforce rules and regulations in conformity with this act and to better accomplish the enforcement of its provisions, and the same shall cover and include motor carriers and their operations. The Department may make such subdivisions of the carriers as classified herein as may work to the efficient administration of this act, and shall do all things necessary to carry out and enforce its provisions.

Without restricting the general powers hereby conferred upon the Department to prescribe and enforce rules and regulations as aforesaid, the Department is vested with special authority with respect to the following matters, namely:

1. MOTOR VEHICLES:—Require the weighing of same loaded and empty at reasonably frequent intervals; inspect and require proper equipment and markings of same and insure the making of necessary repairs, all to promote efficient and safe operation; prescribe and require the character of appliances to be used on motor vehicles operated by public carriers and contract carriers whereby to establish correct mileage traveled by such vehicles and for the care and inspection of same and determine route and schedule mileages for each fixed termini public carrier as a basis for the payment by it of the ton mileage tax hereinafter prescribed.

2. HOURS OF SERVICE:—Prescribe the limit of hours that drivers or operators of motor vehicles may remain on duty at any time, and the number of hours of release from duty required; provided, that no motor carrier or person shall require, or knowingly

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permit, any truck or bus driver or his helper to drive or operate a truck or bus for a period longer than 10 consecutive hours, either within or outside the State, and whenever such driver or helper shall have been constantly on such duty for 10 hours, he shall be relieved and shall not be required or knowingly permitted to again go on duty until he has had at least 8 consecutive hours off duty; and no such driver or helper who has been on such duty 10 hours, in the aggregate, in any 24-hour period shall be required or knowingly permitted to continue or again go on duty without having had at least 8 consecutive hours off duty; provided, that in case of emergencies caused by act of God the foregoing restrictions as to hours shall not apply. The Department may revoke the permit of any person for violations of the law or rules governing hours of service. An employee shall be deemed to be on duty as long as he shall be required to be in or remain upon the vehicle, or engaged in loading or unloading said vehicle, during said period.

3. ADDITIONS TO AND WITHDRAWALS OF EQUIPMENT AND EXTENSIONS AND CONTRACTIONS OF ROUTES:—Prescribe rules governing amendments of permits covering additions to and withdrawals of vehicles and the extension or contraction of routes, and the filing of applications therefor.

4. CLASSIFICATION:—Classify and reclassify carriers in accordance with subparagraphs (f), (g) and (h) of Section 2 of this act.

5. ACCOUNTS AND BLANKS:—Prescribe forms of accounts and records to be kept, reports to be made and blanks to be used by public and contract carriers in transportation operations and matters incidental thereto.

6. MILEAGE:—Prescribe such methods and means as the department determines to be necessary for checking, verifying and ascertaining the number of miles traveled by each and all motor vehicles operated by every motor carrier, and insure that the mileage charged for is computed on basis of extreme mileage traveled.

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7. **DISTINGUISHING MARKS:**—Prescribe distinguishing marks, signs, colors, lights, tags and plates as may be convenient or necessary for distinguishing classes of carriers or for protective or regulatory purposes.

8. **ACCIDENT REPORTS:**—Prescribe for the reporting of accidents connected with the operation of motor vehicles and in such detail and manner as the Department requires.

All rules and regulations pursuant to this act made by the Department and filed in its office shall have the force and effect of law, and violation thereof shall be subject to punishment as in the case of other provisions of this act.

Section 8. **PERMITS:**—1. It shall be unlawful for any person to operate any motor vehicle on any highway in this state as a motor carrier, in the transportation of persons or property or both without first applying for and obtaining, in addition to the license required by law, a permit from the Department covering the proposed operation.

The Department shall prescribe forms of application for permits for the use of applicants and shall make regulations of the filing thereof.

In the case of public carriers and contract carriers the application shall state the ownership, financial condition, equipment to be used and the light and combined weights thereof, the physical property of the applicant, character of service (whether transportation of property or of persons), the district or territory in which operation is to be conducted, and if upon fixed route, the termini thereof, and such other information as the Department may require.

If the applicant be a private carrier, the application shall state the ownership, equipment to be used, the light and combined weight thereof, and character of property to be transported and such other information as the Department may require.

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No vehicle shall be operated in more than one of the three classes covered by the provisions of this act; provided that vehicles carrying persons may also carry baggage and express or be operated as charter cars, and provided further that in the discretion of the Department, and under such rules, regulations, restrictions and conditions as it may prescribe, a vehicle registered and licensed as a private carrier may be operated temporarily as a contract carrier or public carrier exclusively in intrastate transportation.

No permit shall be granted to any person if the Department finds that he is not capable of conducting the transportation service contemplated and in compliance with the law and rules and regulations of the Department or who has been an habitual or intentional violator thereof. No person whose application for permit has been denied shall be eligible to renew the application for a period of six months or to operate or participate directly or indirectly in the proposed operation for a period of six months from the date of the order denying the application.

The Department shall, in issuing permits, classify the applicants to their proper class under the law and no carrier shall operate in a different class without permit from the Department.

2. Motor carriers engaged or to engage exclusively in interstate operations shall make application to the Department for permit and pay the application fee as provided for in this act, but the Department shall issue permit to them without the necessity for a hearing and as a matter of course, conditioned that they furnish an insurance policy and a good faith bond as required by this act and upon tender of the permit make the deposit required by Section 15. Said person so engaged exclusively in the conduct of interstate transportation shall:

(a) Currently pay to the Department the road tax mileage fees prescribed by Section 15 and Section 16 of this act;

(b) Observe and comply with the provisions of the laws of this State regulating traffic on its highways, or the operation of

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motor vehicles thereon, or limiting the size, weight, height or speed of motor vehicles;

(c) Observe and comply with the laws of this State and with the orders, rules and regulations of the Department to protect the highways from substantial damage and to promote safety to other users thereof and to adjacent property and facilities and to the public.

3. The Department shall, with respect to each vehicle, issue a receipt stating therein the light and the combined weight of each vehicle involved, which receipt shall be carried with the vehicle at all times, and it shall be unlawful for any person to load any motor vehicle in excess of its combined weight permit rating thus determined except as variations may necessarily result in passenger loading.

Section 9. APPLICATION FEE:—In addition to the other fees and taxes prescribed by law, and to assist in defraying the expenses of administering this act, every person applying for any permit hereunder except applicants for or holders of temporary permits shall remit to the Department with his application and, if a permit be granted, annually thereafter on or before July 1st of each year, a fee of \$5.00 for each motor vehicle used or to be used and for each vehicle subsequently added to his permit.

All application fees and annual permit fees shall be credited to the motor carrier account of the State Highway fund and such fees shall be retained by the Department in the event the permit is granted and forthwith by the Department paid into the State Treasury to be credited to the State Highway fund. Every applicant for temporary permit provided for in Section 11 shall remit to the Department with his application a fee of \$1.00.

Like fees in each case shall be paid for each motor vehicle involved in applications for transfer of permits.

Section 10. PERMITS; TERM OF AND CANCELATION:—Permits (except temporary permits) when issued shall be valid

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for one year and, subject to the priority rules and other provisions of this act, shall be renewable from time to time at the expiration thereof for a like period, but, if at any time after notice to permittee and upon hearing had before the Department the continued operation be found by it to be against the public interest or unduly congesting the highway or fraught with substantial danger to users of the highway or to the public, or inflicting substantial damage to the highway, thereupon the Department shall cancel the permit so investigated or condition the operation thereunder as conditions in said respect require.

Permits shall be canceled by the Department after hearing complaint and notice or upon its own motion when:

(a) The permittee is delinquent in the payment of any fees or taxes due under the law or the provisions of this act, provided that written demand for payment thereof has been served upon him by the office upon which the duty to collect same is imposed at least 10 days before the complaint or notice for cancellation was filed, or

(b) The permittee or his agents or employes have repeatedly violated this act or other highway or motor laws of this State, or

(c) The permittee has repeatedly and intentionally violated or avoided any order, rule or regulation of the Department.

Any person may, at the instance of the Department, be enjoined from any violation of the provisions of this act or of any order, rule or regulation of the Department made and on file with the Department pursuant to the terms of this act. If such suit be instituted by the Department no bond shall be required as a condition to the issuance of such injunction.

Section 11. TEMPORARY PERMITS:—If any motor carrier coming into the State shall not be registered and have a permit as by this act required, but shall be duly licensed under the laws of some other state, a temporary permit may be issued to said carrier

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for one particular trip into or through the state. Said permit shall be issued only upon condition that said motor carrier complies with all the requirements of this act relating to the issuance of other permits, provided that in no case shall the liability insurance coverage of said carrier be less than five thousand (\$5,000.00) dollars for any one person nor less than ten thousand (\$10,000.00) dollars for all persons who may sustain injuries, nor less than five thousand (\$5,000.00) dollars for property damage.

Section 12. PERMIT, LIMIT UPON ASSIGNMENT:—No permit issued under this act or any prior law shall be assigned or otherwise transferred without the written approval of the Department, nor shall such permit be construed to be either a franchise, or irrevocable, or exclusive, or to confer any property right upon the holder thereof.

Section 13. FEES AND TAXES:—In addition to the license fees or taxes otherwise imposed by law upon motor carriers there shall be assessed against and collected from every such carrier a tax graduated as follows:

1. On motor vehicles having a gross load weight of less than five (5) tons $\frac{1}{2}$ mill per ton mile.
2. On motor vehicles having a gross load weight of five (5) tons and less than eight (8) tons 1 mill per ton mile.
3. On motor vehicles having a gross load weight of eight (8) tons and less than twelve (12) tons $1\frac{1}{2}$ mills per ton mile.
4. On motor vehicles having a gross load weight of twelve (12) tons and less than seventeen (17) tons 2 mills per ton mile.
5. On motor vehicles having a gross load weight of seventeen (17) tons and less than twenty-three (23) tons $2\frac{1}{2}$ mills per ton mile.
6. On motor vehicles having a gross load weight of twenty-three (23) tons or more 3 mills per ton mile.

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Said tax is for the use of the state highways, to apply on the cost of the administration of this act and for the maintenance, repair and reconstruction of public highways. The said gross load weight ton mileage shall be computed as follows:

(a) The gross load weight shall be computed on the basis of even tons; a major fraction shall be considered as a ton.

(b) The maximum seating capacity of each passenger carrying motor vehicle shall be estimated at 150 pounds per passenger seat, including drivers seat, exclusive of emergency seats; to this sum shall be added in pounds the weight of the vehicle and the total shall constitute the gross load weight of such vehicle; the total shall then be multiplied by the extreme number of miles operated and the amount thus obtained divided by 2,000; provided, that in cases where a bus has a seating capacity which is not arranged for separate or individual seats, 16 lineal inches shall be deemed the equivalent of a passenger seat.

(c) The rated capacity in pounds of each property carrying vehicle as set forth by the Department in the permit issued by him to the carrier, plus the weight in pounds of the motor vehicle, shall constitute the gross load weight of such motor vehicle and shall be multiplied by the extreme number of miles the vehicle is operated and the amount thus obtained divided by 2,000; provided, however, that any motor carrier may apply to the Department for the establishment of a fixed monthly mileage for any particular vehicle operated as a motor carrier which monthly mileage shall be used as a base for computing the monthly payments to be made as provided in Section 15 of this act. Upon satisfactory showing, the Department may fix and establish such fixed mileage which shall in no case for any single vehicle be less than 500 miles per month, and thereafter monthly payments for such vehicles shall be computed upon such base or fixed mileage and the gross load weight of such vehicle as provided herein. If any carrier is dissatisfied with the base mileage determined by the Department, such carrier may have the correct mileage determined with the use of sealed speedometer or odometer readings satisfactory to the Department,

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and the Department may, on its own motion, determine the exact mileage by the use of sealed speedometers, or other sealed device satisfactory to the Department in either of which events the monthly base theretofore fixed by the Department shall be changed to conform as nearly as practicable to the average monthly mileage thus determined.

Every motor carrier shall deposit with the Department upon the issuance of his permit and on the first day of July of each succeeding year thereafter, the following sums: For each motor vehicle of three tons or less (gross load weight) the sum of \$20.00 and an additional deposit of \$6.00 for each additional ton in excess of three tons gross load weight, provided, however, that no carrier shall be required to deposit a total sum in excess of \$1,000.00. This deposit shall be construed to be the annual minimum of taxes to be paid under this act by any such carrier or carriers, and every such carrier or carriers shall receive credit for this amount as against the fees provided for in the preceding paragraphs of this section. When such fees exceed such minimum and when such minimum deposit is exhausted, the carriers involved shall make monthly payment of fees as hereinafter provided.

In the event that, with respect to any vehicle exclusively engaged in interstate transportation, such annual deposit for any single vehicle exceeds the annual fee or charge for such vehicle computed on the ton mile rate so provided in this act, then such excess shall, when determined, be refunded to such carrier.

Section 13-A. Motor vehicles duly registered under the laws of the State of Delaware, and bearing license plates issued by the Motor Vehicle Commissioner, shall not be required to pay the tax imposed by Section 13 of this Act, nor to make the deposit provided for in said Section, nor to furnish the bond required in paragraph 2 of Section 17 of said Act.

Section 13-B. If any tax similar to the one imposed by this Act is imposed by any other State or foreign country for the use of its highways on motor vehicles registered under the laws of this

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State, the tax rates on foreign motor vehicles registered under the laws of such state or foreign country when using the highways of this State, under the provisions of this Act, shall be equal in amount to that imposed in such case by such other state or foreign country, but in no event shall the amount be less than the amount fixed in this Act.

Section 14. **DAILY RECORDS BY CARRIERS:**—Every motor carrier, when not electing to pay on a fixed mileage basis, shall keep daily records upon forms prescribed by the Department of all vehicles used during the current month. On or before the twentieth day of the month following, they shall certify under oath to the Department upon forms prescribed therefor the summaries of their daily records which shall show the gross ton mileage traveled in this state during the preceding month and other such information as the Department may require. The daily records shall be filed and thereafter preserved until written permission for their destruction shall have been given by the Department. Any person who shall wilfully under oath make a false certificate hereunder to the Department shall be deemed guilty of perjury.

Section 15. **MONTHLY PAYMENTS AND LIENS:**—On or before the twentieth day of each month, after the minimum deposit as provided for in Section 13 is exhausted, all motor carriers shall pay to the Department the amount of the fees due from them for the preceding calendar month. If payment is not made on or before said date, there shall be added as a penalty a sum equal to one percent per month of the amount of the original fee. It shall be the duty of the Department to notify the surety or sureties of such delinquencies.

Section 16. **STATUTORY AGENT:**—Each public carrier and contract carrier residing or having his or its principal place of business outside the State of Delaware shall, at or before the time of commencing operation into, through or within the State of Delaware, file with the Secretary of State a duly executed instrument in writing, constituting the Secretary of State and his successors in office the true and lawful attorney upon whom all process, sum-

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mons or notices in any action, suit or proceeding against such carrier, caused by or relating to the operation of motor vehicles of or by such carrier within the State, may be served, and shall therein agree that any process, summons or notice against such carrier shall be of the same force and effect as if served on such carrier within this state. The service of process, summons or notice upon such carrier may be made by leaving a copy thereof, together with a copy of the complaint or order, in the office of the Secretary of State and said Secretary of State shall forthwith notify such carrier of such service by letter directed to him or it at his or its residence or principal place of business as shown by the records of the Department.

Section 17. INSURANCE AND BONDS:—1. No permit shall be issued to any person to operate as a motor carrier until he has filed with the Department an insurance policy of public liability and property damage, issued by an insurance company authorized to transact business as such within this state, and in accordance with the policies, forms and manuals on file with the insurance commissioner, for such limits of liability, terms, conditions and provisions as the Department may determine to be necessary for the reasonable indemnification of the patrons of the applicant and of the public against damage and injury for which the applicant may be liable by reason of the operation of any motor vehicle as defined in this act.

As an alternative, and in lieu of said insurance policy, a bond to the State of Delaware may be filed with surety satisfactory to the Department and in all respects conditioned to meet the requirements imposed in relation to insurance policies by the provisions of this act.

In fixing the amount of said insurance policy or bond the Department shall give due consideration to the character and amount of traffic and number of persons involved and the degree of danger which the proposed operation involves, but in no case shall the amount of liability insurance or bond required be less than that provided for insurance in Section 11 of this act.

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2. No permit shall be issued to any person to operate as a motor carrier until he has filed with the Department a bond satisfactory to the Department and in such penal sum, not more than \$1,000.00, as the latter may deem necessary, payable to the State of Delaware with a surety company qualified to do business in the state as surety thereon, conditioned that the applicant shall pay any and all fees, taxes and penalties which may be or become due under the provisions of this act, and shall faithfully comply with all lawful decisions, orders, rules and regulations of the Department made pursuant to same.

3. No insurance policy or bond furnished under the provisions of this act may be cancelled or otherwise terminated at any time prior to its expiration until the indemnity or surety company which executed the same has filed with the Department a notice of cancellation; such cancellation to be effective not less than 30 days from the date of receipt, and no agreement between the parties thereto shall operate to avoid this restriction upon cancellation. If any such insurance policy or bond shall become inoperative, the authority under the permit involved shall cease and be suspended until an insurance policy or bond meeting the requirements of subsections 1 and 2 of Section 17, as the case may be, shall become effective and be filed with said Department.

Section 18. ADMINISTRATION AND ENFORCEMENT:
—The Department shall appoint an assistant to be known as "Superintendent of Transportation," who shall have immediate charge, under the supervision of the Department, of the administration and enforcement of this act. The Department shall have power to appoint and employ such auditors and other help as may be necessary to enable it at all times properly to administer same. The Department shall extend to said Superintendent, inspectors and employes such duties and authority within the provisions of this act as the Department determines to be necessary efficiently to administer and enforce the same; provided, however, that the Department shall utilize the state police wherever and whenever activities are necessary to the end that there may be no duplication of service or expense. Within the purport and meaning of this section all

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field work, inspection of equipment, weighing of loads and such other field service as pertains to operation of vehicles on the public highways other than auditing and inspection of books, records and accounts hereby are declared to be police functions and duties.

Hearings may be conducted by the Department or its designated representative at any place in Delaware, and the Department or any representative authorized by it so to do shall have power to compel the attendance of witnesses by subpoena, swear witnesses, take their testimony under oath and make record thereof, and the Department may render its decision upon such record.

In all cases wherein a hearing is contemplated or provided for under this act, at least 10 days' written notice thereof shall be served by the Department by mail or otherwise upon the party or parties involved; provided, however, that the Department may if such action is warranted, hold hearing upon shorter notice to be prescribed by its order.

Section 19. All fees, taxes, charges and other sums collected by the Department under this act shall be by the Department paid into the State Treasury of the State of Delaware and shall be by the State Treasurer placed to the credit of the State Highway fund, and such an amount as may be necessary is hereby appropriated out of such fund for the payment by the Department of all expenses of whatsoever nature incurred in administering and enforcing this act.

Section 20. DEPARTMENT TO COLLECT:—All fees, taxes and charges herein provided for imposed by this act and all claims and penalties payable by any person under this act and all moneys collected hereunder shall be the property of the State. The Department shall collect and receive all fees, taxes, penalties and moneys due or to become due to the State under the provisions of this act and, to that end, shall bring such actions or take such proceedings in the name of the State of Delaware as may be necessary.

The Department shall issue its receipt for such payment or payments made under the provisions of this act, but such receipt or

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receipts shall not be final or conclusive as to the amount of the charge or fees due from and payable by the motor carrier. If the Department shall thereafter determine that the report of any such carrier or carriers for any period is not true and correct, it shall make a bill against said carrier for any underpayment of charge caused by untrue or incorrect report and the carrier involved shall pay the same within 10 days after presentation thereof, or the Department shall refund to said carrier the amount of any overpayment caused by any untrue or incorrect report.

Section 21. ENTRY HIGHWAYS AND REGISTRATION STATIONS:—In order to facilitate the enforcement of this act it is hereby declared necessary, and the Department shall designate a sufficient number of highways entering the State reasonably to meet the needs and requirements of motor carriers coming within the provisions of this act, and which enter the State from points beyond its boundary. It shall be unlawful for any carrier to enter the State upon any highway thereof other than those designated by the Department.

The Department shall also establish registration stations to be located upon highways as near the State line as conveniently may be. It shall be the duty of the Department to maintain at each of said stations a sufficient personnel reasonably to meet the requirements thereof for the purpose of inspection and registration service at all times.

Every motor carrier entering the State and coming within the provisions of this act must enter on a highway so designated by the Department, and stop at the registration station and submit to inspection and meet all other requirements imposed by the provisions of this act. The driver of such motor vehicle shall be required to make out and deliver to the person or inspector in charge of such registration station a registration card showing (a) the name and address of the owner of the motor vehicle, (b) the name of the operator or driver, (c) the state in which said vehicle is licensed and the number thereof, (d) the motor number of the vehicle and a description of its type, (e) the point of origin and the ultimate

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destination of said vehicle, (f) the gross load weight thereof, (g) the amount of liability insurance or bond and the name of the company issuing the policy, and (h) information as to the number of hours the driver of the motor vehicle has been on duty, both within and outside the State, and (i) serial number of the state permit.

The person or inspector in charge of such registration station shall check and verify the information contained in the registration card. He shall inspect such vehicle and see that all the requirements of this act are complied with before allowing said carrier to proceed upon the highways of the State.

In case said motor vehicle does not have a permit, as required by this act, said person or inspector may issue a temporary permit, as provided in Section 11, and collect fees therefor and the tax imposed by this act.

The Department shall furnish to all carriers to whom a permit has been issued registration card blanks.

Section 22. ASSISTANCE BY OFFICERS:—It hereby is made the duty of the Attorney General of the State, and of all state, county and city police officers to assist the Department in the administration and enforcement of this act, and they and each of them, as well as the Department, its Superintendent of Transportation, inspectors and employes, shall inform against and diligently prosecute any and all persons whom they have reasonable cause to believe guilty of violation of the provisions of this act or of the rules, regulations, orders, decisions or requirements of the Department made pursuant thereto.

Section 23. PENALTIES:—Every motor carrier to which this act applies, and every person who violates or procures, aids or abets in the violating of any of the provisions of this act, or who refuses or fails to obey any order, decision, rule or regulation, shall be

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deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not exceeding Two Thousand (\$2,000.00) Dollars, or imprisonment for not more than one year, or both in the discretion of the Court.

Section 24. INTERSTATE COMMERCE:—This act and every part thereof shall apply and be construed to apply to interstate and foreign commerce, except in so far as the same may be in conflict with the provisions of the constitution and the laws of the United States.

Section 25. Annually, on or before June 30 of each year, the Department shall make to the Governor a report of its administration of this act, which shall include, among other things, facts and statistics relating to the effect of the administration of this act upon the classes of carriers affected thereby.

Section 26. SAVING CLAUSE:—If any provision, section, subsection, subdivision, sentence, clause, or phrase of this act shall for any reason be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment or decision shall not affect the validity of the remaining portions of this act, but shall be confined in its operation to the provisions, section, sub-section, subdivision, sentence, clause or phrase directly involved in the controversy in which such judgment to decision shall have been rendered, and it hereby is expressly declared that every other provision, section, subsection, subdivision, sentence, clause or phrase hereof would have been enacted irrespective of the enactment or validity of the portion thereof declared or adjudged to be unconstitutional or invalid.

Section 27. EFFECTIVE DATE:—This act shall be and become effective upon such date as may be fixed by the Governor, but not until such time as laws having for their object the general purposes embraced in this act and imposing a tax on motor vehicles

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registered under the laws of this State shall have become effective in at least two neighboring States.

Section 28. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistencies.

Approved April 18, 1935.

CHAPTER 40

GASOLINE TAX RATE INCREASED

AN ACT TO AMEND CHAPTER 31 OF VOLUME 38, LAWS OF DELAWARE, IN REFERENCE TO TAXATION AND DISTRIBUTION OF GASOLINE BY INCREASING THE RATE OF TAX PER GALLON ON ALL MOTOR FUEL AS DEFINED IN SAID CHAPTER.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That paragraph (a) of Section 6 of Chapter 31 of Volume 38, Laws of Delaware, be amended to read as follows:

(a) There is hereby levied a tax of four (4) cents per gallon on all motor fuel as herein defined, which is sold and delivered or used in this State and is not under the protection of the interstate commerce clause of the Constitution of the United States; provided, that the tax herein imposed and assessed shall be collected by and paid to the State of Delaware but once in respect to any motor fuel. Nothing herein shall be construed to exempt from the tax any dealer in motor fuel on the motor fuel used in making such distribution. The tax herein levied shall be collected in the manner hereinafter provided.

Section 2. That this Act shall become effective on July first, nineteen hundred and thirty-five.

Approved April 1, 1935.

CHAPTER 41

TAXATION AND DISTRIBUTION OF GASOLINE

AN ACT TO PROVIDE A PORTION OF THE REVENUE NECESSARY FOR THE CONSTRUCTION, RECONSTRUCTION, AND MAINTENANCE OF THE PUBLIC HIGHWAYS OF THE STATE, BY IMPOSING A TAX ON MOTOR FUELS AS HEREIN DEFINED, TO BE COLLECTED AND PAID BY DISTRIBUTORS AS HEREIN DEFINED, WITH CERTAIN RIGHTS TO REFUNDS AS HEREIN SET FORTH, REGULATING THE SALE OF SUCH FUELS, PROVIDING FOR THE REPORTS OF SALES OF SUCH FUELS, FOR THE COLLECTION OF SAID TAX BY THE STATE HIGHWAY DEPARTMENT, AND THE DISPOSITION OF THE REVENUE DERIVED THEREFROM.

WHEREAS, The present system of charging license fees for the regulation of motor vehicles was designed in part to equalize the burden of constructing, reconstructing and maintaining the public roads and highways of the State of Delaware by imposing said burden upon those deriving special benefits therefrom; and

WHEREAS, The method of raising revenue for said purpose, as outlined in this Act, will more equitably and generally distribute the burden; and

WHEREAS, It is deemed that there is a direct relation between the use of highways by motor vehicles and the quantity of motor fuels consumed in furnishing the motive power thereof as well as direct relation between the weight of the motor vehicles using such highways and the distance which such motor vehicles will travel by such motive power per unit of weight; and

WHEREAS, It is deemed that the weight of the motor vehicle and the distance traveled have a direct bearing on the damage to the highways and the wear thereof; and

WHEREAS, It is deemed that the speed at which the motor vehicle is driven over the highways has a direct bearing on the damage to the highways and the wear thereof; and

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WHEREAS, Laws now in force have taken into consideration the effect of the weight of a motor vehicle and the speed they attain; and

WHEREAS, It is deemed proper by the Legislature that the aforesaid burden of constructing, reconstructing and maintaining the public roads and highways of the State should be equitably and generally distributed among those who will be benefited more directly by the expenditure of the revenue derived from this Act; and

WHEREAS, Such a result, in the judgment of the Legislature, will be accomplished by levying a tax on the quantity of motor fuel purchased for use in propelling motor vehicles on the public roads and highways of the State, as hereinafter provided; and

WHEREAS, It is considered and deemed that a tax levied upon each gallon of motor fuel purchased for use in motor vehicles is the equivalent of and in its practical effect a license fee and tax upon the motor vehicle itself, and the measure of the use of the highways is in direct relation to the amount of motor fuels consumed in furnishing the motive power of the motor vehicles and, with the license fees and taxes provided by other laws of the State of Delaware, the tax herein provided renders more nearly perfect the proper compensation to be paid by the owners of motor vehicles for the use of facilities provided at great cost for the class for whose needs such vehicles are essential and, in their operation, are peculiarly injurious to the highways of the State; and

WHEREAS, It is found that the practicable effect of the levying of a tax on motor fuels sold by the distributors is that the tax is in fact collected from the consumer, by being added to the price of such fuel, and the burden of the tax paid by the distributor is passed on to and paid and borne by such ultimate consumer, and accordingly, that the consumer who uses such motor fuel in motor vehicles and for the operation thereof is in practical effect paying a license fee and tax upon the motor vehicle itself; and

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WHEREAS, It is deemed equitable and proper that persons purchasing motor fuels for purposes other than consumption and use in furnishing the propelling power for motor vehicles used or intended to be used in whole or in part upon the highways of this State should have refunded to them any money which they may be required to pay by reason of the tax provided for by this Act; and

WHEREAS, The successful operation of such motor vehicles over the public roads and highways of the State depends in large measure upon the proper construction, reconstruction and maintenance of such roads and highways; now, therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. Definitions:—The following words, terms and phrases in this Act are, for the purposes hereof, defined as follows:

(a) "Motor Vehicles" shall mean and include all automotive or self-propelled vehicles, engines or machines, which are operated or propelled by internal combustion of gasoline, distillate or other volatile or inflammable liquid fuels.

(b) "Motor Fuel" shall mean and include any substance or combination of substances which is intended to be or is capable of being used for the purpose of propelling or running by combustion any internal combustion engine and sold or used for that purpose, except the products commonly known as kerosene and/or distillate or petroleum products of lower gravity (Baume Scale) when not used to propel a motor vehicle or for compounding or combining with any motor fuel.

(c) "Person" shall mean and include any person or persons, partnership, firm, association or corporation.

(d) The term "distributor" shall include any person, association of persons, firm or corporation, wherever resident or located,

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who imports or causes to be imported into the State motor fuels as herein defined, for use, distribution, storage, or sale after the same reach the State; and also any person, association of persons, firm or corporation who produces, refines, or manufactures or compounds, or causes to be produced, refined, manufactured or compounded motor fuels as herein defined within the State.

Section 2. Licensing of Filling Station Dealers:—Every person engaged in the retail sale of motor fuels shall, before engaging in said business procure from the State Highway Department a license for each establishment operated by such person; such license shall be issued by the State Highway Department and shall expire on the 30th day of June next following, subject to such reasonable regulations as the State Highway Department shall provide. Every person desiring to continue to engage in the retail sale of motor fuel shall annually thereafter on the first day of July procure from the State Highway Department a license for such establishment operated by such person, which shall expire on the thirtieth day of June next following, subject to such reasonable regulations as the State Highway Department shall provide. A license fee of two dollars (\$2.00) shall be paid for the issuing of every such license and the State Highway Department shall supply a certificate, which the licensee shall publicly display in a manner to be regulated by the State Highway Department.

The owner or operator of every filling station shall keep a complete and accurate record of the number of gallons of motor fuel purchased or received, from whom and the date received, and such record shall be prepared in the form of report, the form of which shall be prescribed by the State Highway Department and the same shall be made monthly on the fifteenth day of each month following the date of purchase or receipt, and verified and mailed in to the State Highway Department. Such reports shall be in duplicate and the duplicate shall be retained by the filling station for a period of two years. It shall be offered for inspection at any time upon the demand of the State Highway Department or its agents.

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Section 3. Application for License; Contents; Licensing of Distributors:—It shall be unlawful for any distributor to receive, use, sell or distribute any motor fuel or to engage in business within this State unless such distributor is the holder of an uncanceled license issued by the State Highway Department to engage in such business. To procure such license every distributor shall file with the State Highway Department an application upon oath and in such form as the State Highway Department may prescribe, setting forth:

(a) The name under which the distributor will transact business within the State of Delaware;

(b) The location, with street number address, of its principal office or place of business within this State;

(c) The name and complete residence address of the owner or the names and addresses of the partners, if such distributor is a partnership, or the names and addresses of the principal officers, if such distributor is a corporation or association; and if such distributor is a corporation organized under the laws of another state, territory or country, or the laws of the United States, it shall also file with such application a certified copy of the certificate issued by the Secretary of State of Delaware showing that such corporation is authorized to transact business in the State of Delaware.

Upon the filing of an application for a license, and concurrently therewith, a bond of the character stipulated and in the amount provided for in Section 4 of this Act, shall be filed with the State Highway Department. No license shall be issued upon any application unless accompanied by such bond.

In the event that any application for a license to transact business as a distributor in the State of Delaware shall be filed by any person whose license shall at any time theretofore have been cancelled for cause, or in case the State Highway Department shall be of the opinion that such application is not filed in good faith, or that such application is filed by some person as a subterfuge for

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the real person in interest whose license or registration shall theretofore have been cancelled for cause, then and in any of said events the State Highway Department after a hearing, of which the applicant shall have been given five (5) days' notice in writing and at which said applicant shall have the right to appear in person or by a counsel and present testimony, shall have and is hereby given the right and authority to refuse to issue to such person a license to transact business as a distributor in the State of Delaware.

Upon the filing of the application for a license, a filing fee of five dollars (\$5.00) shall be paid to the State Highway Department.

The application in proper form having been accepted for filing, the filing fee paid, and the bond having been accepted and approved, the State Highway Department shall, except as herein provided, issue to such distributor a license to transact business as a distributor in the State of Delaware, which license shall expire on the thirtieth day of June next following, subject to cancellation of such license as provided by law. Every distributor desiring to continue engaged as such distributor shall annually thereafter on the first day of July procure from the State Highway Department a license to transact business as a distributor, which shall expire on the thirtieth day of June next following, subject to cancellation of such license as provided by law.

Each distributor shall be assigned a license number upon qualifying for a license hereunder, and the State Highway Department shall issue to each such licensee separate license cards for each tank truck operated or caused to be operated by such distributor. Such license card shall indicate the number so assigned the distributor, the motor number of the truck authorized to be operated under such license card, and such other information as the State Highway Department may prescribe. Such license card shall be conspicuously displayed on the tank truck to which it is assigned and any distributor operating or causing to be operated a tank truck in this State, conveying or transporting motor fuel, without such license card shall be guilty of a misdemeanor and upon conviction thereof

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shall be subject to a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) or to be confined in jail not less than ten (10) days nor more than thirty (30) days, or both.

The license so issued by the State Highway Department shall not be assignable, and shall be valid only for the distributor in whose name issued, and shall be displayed conspicuously in the principal place of business of said distributor in the State of Delaware.

The State Highway Department shall keep and file all applications and bonds with an alphabetical index thereof, together with a record of all licensed distributors.

Section 4. Bond Required of Licensed Distributor:—Every distributor shall file with the State Highway Department a bond in the approximate sum of three times the average monthly motor fuel tax due by such distributor during the next preceding twelve calendar months under the existing law of this State; provided that in no case shall such bond be less than five thousand dollars (\$5,000.00) nor more than twenty thousand dollars (\$20,000.00); provided further that any person becoming a distributor as heretofore defined, subsequent to the effective date of this Act, or any distributor who has not paid motor fuel taxes now imposed by law for the twelve months next preceding the adoption of this Act, shall file a bond in the minimum of five thousand dollars (\$5,000.00). Such bond shall be in such form as may be approved by the State Highway Department, shall be executed by a Surety Company to be approved by the State Highway Department and duly licensed to do business under the laws of the State of Delaware; shall be payable to the State of Delaware, and be conditioned upon the prompt filing of true reports and the payment by such distributor to the State Highway Department of any and all motor fuel taxes which are now or which may hereafter be levied or imposed by the State of Delaware, together with any and all penalties and/or interest thereon, and generally upon faithful compliance with the provisions of this Act.

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In the event that liability upon the bond thus filed by the distributor with the State Highway Department shall be discharged or reduced, whether by judgment rendered, payment made or otherwise, or if in the opinion of the State Highway Department any surety on the bond theretofore given shall have become unsatisfactory or unacceptable, then the State Highway Department may require the filing of a new bond with like surety as hereinbefore provided in the same amount, failing which, the State Highway Department shall forthwith cancel the license of said distributor. If such new bond shall be furnished by said distributor as above provided, the State Highway Department shall cancel and surrender the bond of said distributor for which such new bond shall be substituted, provided, however, that such bond shall not be cancelled if any liability shall have accrued under the provisions thereof which shall be still outstanding.

In the event that the State Highway Department, after a hearing of which the distributor shall be given five (5) days' notice in writing, shall decide that the amount of the existing bond is insufficient to insure payment to the State of Delaware of the amount of the tax and any penalties and interest for which said distributor is or may at any time become liable, then the distributor shall forthwith upon the written demand of the State Highway Department file an additional bond in the same manner and form with like security thereon as hereinbefore provided; provided further that the total amount of any such additional bond as well as the bond required under the provisions of the first paragraph of this Section shall not exceed the maximum of twenty thousand dollars (\$20,000.00) and the State Highway Department shall forthwith cancel the license certificate of any distributor failing to file an additional bond as herein provided.

Any surety on any bond furnished by any distributor as above provided shall be released and discharged from any and all liability to the State of Delaware accruing on such bond after the expiration of sixty (60) days from the date upon which such surety shall have lodged with the State Highway Department, written request to be released and discharged. Provided, however, that such re-

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quest shall not operate to relieve, release or discharge such surety from any liability already accrued, or which shall accrue, before the expiration of said sixty day period. The State Highway Department shall promptly on receipt of notice of such request notify the distributor who furnished such bond, and unless such distributor shall on or before the expiration of such sixty day period file with the State Highway Department a new bond in the amount and form hereinbefore in this Section provided, the State Highway Department shall forthwith cancel the license of said distributor.

Section 5. Power of State Highway Department to Cancel Licenses; Surrender of Bond:—If a distributor shall at any time file a false monthly report of the data or information required by this Act, or shall fail, refuse or neglect to file the monthly report required by this Act, or to pay the full amount of the Tax as required by this Act, the State Highway Department may forthwith cancel the license of said distributor and notify such distributor in writing of such cancellation by registered mail to the last known address of such distributor appearing on the files of the State Highway Department.

The State Highway Department is hereby given the power to cancel any license hitherto or hereafter issued to any distributor, such cancellation to become effective sixty (60) days from the date of receipt of the written request of such distributor for cancellation thereof, or said State Highway Department may cancel the license of any distributor upon sixty (60) days' notice mailed to the last known address of such distributor if it shall be ascertained that the person to whom such license has been issued is no longer engaged in the receipt, use or sale of motor fuel as a distributor, and has not been so engaged for the period of six (6) months prior to such cancellation. But no such license shall be cancelled upon the request of any distributor until and unless the distributor shall, prior to the date of such cancellation, have paid to the State of Delaware all motor fuel taxes payable under the laws of the State of Delaware, together with any and all penalties and fines accruing by reason of any failure on the part of said distributor to make accurate reports as required by this Act and/or to pay said taxes and/or penalties.

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In the event that the license of any distributor shall be cancelled by the State Highway Department as hereinbefore in this Section provided, and in the further event that said distributor shall have paid to the State of Delaware all taxes, penalties and interest due and payable by it under the motor fuel laws of the State of Delaware, then the State Highway Department shall cancel and surrender the bond theretofore filed by said distributor.

Section 6. Amount of Tax; Reports; Payments; Exemptions:

—(a) There is hereby levied a tax of four (4) cents per gallon on all motor fuel as herein defined, which is sold and delivered or used in this State and is not under the protection of the interstate commerce clause of the Constitution of the United States; provided, that the tax herein imposed and assessed shall be collected by and paid to the State of Delaware but once in respect to any motor fuel. Nothing herein shall be construed to exempt from the tax any dealer in motor fuel on the motor fuel used in making such distribution. The tax herein levied shall be collected in the manner hereinafter provided.

(b) On or before the last business day of each calendar month, each distributor of motor fuel shall have on file in the office of the State Highway Department a statement, on form prepared by the said State Highway Department, which shall be sworn to by one of the principal officers in the case of a domestic corporation, or by the resident general agent or attorney-in-fact; by chief accountant or officer in case of a foreign corporation; by the managing agent or owner in case of a firm or association of persons; or by the distributor in all other cases; which statement shall show the quantity of motor fuel on hand on the first and the last days of the preceding calendar month; the quantity of motor fuel received, produced, manufactured, refined or compounded during the preceding calendar month; and the quantities of motor fuel sold and delivered or used within the State of Delaware during the preceding calendar month, and such other information as the State Highway Department may require, and such distributor shall, at the time of rendering such report, pay to the State Highway Department the tax or taxes herein levied on all motor fuel sold and de-

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livered or used within the State of Delaware during the preceding calendar month. Provided, however, that no distributor shall pay such tax on motor fuel received by such distributor from a point within the State from another licensed distributor who has paid or assumed the payment of such tax.

(c) Any shrinkage or evaporation as indicated by the monthly report of a distributor amounting to more than one per cent. of gallons on hand at the beginning of the month plus gallons received during the month shall be assumed to have been sold or used and thereby taxable.

(d) Bills shall be rendered to all purchasers of motor fuels by distributors selling the same. Such bills shall contain a statement thereon in a conspicuous place that the liability to the State for the tax or taxes hereby imposed has been assumed, and that the distributor will pay the tax or taxes herein on or before the last day of the following month.

(e) Motor fuel used by the United States or any of the governmental agencies thereof shall not be subject to tax hereunder.

(f) The State Highway Department shall have authority to prescribe reasonable rules and regulations for the carrying out of this Act and all forms of reports required by this Act.

(g) The distributors' taxable sales shall, for the purpose of this Act, include all motor fuel delivered by their bulk plants on consignment, and all motor fuel delivered to retail filling stations owned or operated by the distributors.

Section 7. Distribution of Proceeds:—The said license tax in respect to motor fuels sold or used in any calendar month shall be paid on or before the last day of the next succeeding month to the State Highway Department who shall receipt to the dealer therefor. All money received by the State Highway Department under the provisions of this Act shall be deposited with the State Treasurer not later than the close of the business day next following such

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receipt. The State Treasurer shall create a special fund of the money so received by him and shall disburse the same as other moneys are disbursed and applied by the State Treasurer under the provisions of Section 14 of Chapter 63, Volume 29, of the Laws of Delaware, as amended by Chapter 54, Volume 32, of the Laws of Delaware, provided, however, that the State Treasurer, out of said money, shall retain in his hands at all times such sum, not exceeding \$3,000.00, as, in his judgment, shall be sufficient to enable him to pay promptly all claims for refunds as in this Act provided for.

Section 8. Penalty for Failure to Report or Pay Taxes Promptly:—When any distributor shall fail to have his monthly report on file in the office of the State Highway Department on or before the last business day of each calendar month, or when such distributor fails to have on file in the office aforesaid the data outlined in Section 6 of this Act in such monthly report, or when such distributor shall fail to pay the State Highway Department the amount of taxes due to the State of Delaware, when the same shall be payable, a penalty of twenty-five per cent. (25%) shall be added to the amount of the tax due, and said penalty of twenty-five per cent. (25%) shall immediately accrue, and thereafter said tax and penalty shall bear interest at the rate of one per cent. (1%) per month until the same is paid.

Section 9. State Highway Department May Estimate Motor Fuel Received:—Whenever any distributor shall neglect or refuse to make and file any report for any calendar month as required by this Act or shall file an incorrect or fraudulent report, the State Highway Department shall determine, from any information obtainable in its office, or elsewhere, the number of gallons of motor fuel with respect to which the distributor has incurred liability under the motor fuel laws of the State of Delaware.

In any action or proceeding for the collection of the motor fuel tax and/or any penalties or interest imposed in connection therewith, an assessment by the State Highway Department of the amount of the tax due and/or interest or penalties due to the State

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shall constitute prima facie evidence of the claim of the State, and the burden of proof shall be upon the distributor to show that the assessment was incorrect and contrary to law.

Section 10. Report From Persons Not Distributors; Contents; Penalty for Failure to Submit Report:—Every person purchasing or otherwise acquiring motor fuel and/or kerosene in tank car or cargo lots and selling, using, or otherwise disposing of the same not required by the provisions of this Act to be licensed as a distributor in motor fuel, shall file a statement setting forth the name under which such person is transacting business within the State of Delaware, the location with street number address of such person's principal office or place of business within the State, the name and address of the owner, or the names and addresses of the partners if such person is a partnership, or the names and addresses of the principal officers if such person is a corporation or association, and, on or before the last business day of each calendar month, such person shall, on forms prescribed by the State Highway Department, have on file in the office of the State Highway Department a report of all purchases or other acquisition and sales or other disposition of motor fuel and/or kerosene during the next preceding calendar month, giving a record of each tank car or cargo lot. Such report shall set forth from whom each tank car or cargo lot was purchased or otherwise acquired, point of shipment, to whom sold or shipped, point of delivery, date of shipment, the name of the carrier, the initials and number of the car, and the number of gallons contained in such tank car, if shipped by rail, and the name and owner of the boat, barge or vessel, and the number of gallons contained therein, if shipped by water, and shall contain any other additional information the State Highway Department may require relative to such motor fuel and/or kerosene.

When any person, not required by the provision of this Act to register as a distributor in motor fuel, purchasing or otherwise acquiring motor fuel and/or kerosene in tank car or cargo lots and selling or otherwise disposing of the same, shall fail to have his monthly report on file in the office of the State Highway Department on or before the last business day of each following cal-

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endar month, or when such person shall fail to submit in each monthly report the date required by this Act, such person shall be guilty of a misdemeanor and shall be fined an amount not greater than one hundred dollars (\$100.00) for the first offense, and shall be fined an amount not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) for each subsequent offense.

Section 11. Reports From Carriers Transporting Motor Fuel, Kerosene or Similar Products:—Every railroad company, every street car, suburban or interurban railroad company, every pipe line company, every water transportation company, and every common carrier transporting motor fuel, kerosene, casinghead gasoline, natural gasoline, naphtha, or distillate, either in interstate or in intrastate commerce, to points within Delaware, and every person transporting motor fuel and/or kerosene by whatever manner to a point in Delaware from any point outside of said State, shall report under oath to the State Highway Department on forms prescribed by said State Highway Department, all deliveries of motor fuel and/or kerosene so made to points within Delaware.

Such reports shall cover monthly periods, shall be on file in the office of the State Highway Department on or before the last business day of the calendar month immediately following the month covered by the report, shall show the name and address of the person to whom the deliveries of motor fuel and/or kerosene have actually and in fact been made, the name and address of the originally named consignee, if motor fuel and/or kerosene has been delivered to any other than the originally named consignee, the point of origin, the point of delivery, the date of delivery, and the number and initials of each tank car and the number of gallons contained therein, if shipped by rail; the name of the boat barge or vessel, and the number of gallons contained therein, if shipped by water; the license number of each tank truck and the number of gallons contained therein, if transported by motor truck; if delivered by other means, the manner in which such delivery is made, and such other additional information relative to shipments of motor fuel as the State Highway Department may require.

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Section 12. Retention of Records by Distributors and Other Persons:—Each distributor shall maintain and keep, for a period of two (2) years, such record or records of motor fuel received, used, sold and/or delivered within this State by such distributor, together with invoices, bills of lading, and other pertinent records and papers as may be required by the State Highway Department for the reasonable administration of this Act.

It shall be the duty of every person purchasing or receiving motor fuel taxable under this Act from a distributor for the purpose of resale, to maintain and keep for a period of one (1) year a record of motor fuel received, the amount of tax paid to the distributor as part of the purchase price, together with delivery tickets, invoices, and bills of lading, and such other records as the State Highway Department shall require.

Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) and the costs of prosecution, or to be imprisoned for a period of not more than one (1) year, or both, in the discretion of the court.

Section 13. Inspection of Records:—The record of all purchases, receipts, sales, distribution and use of motor fuel of every distributor shall at all times during the business hours of the day be subjected to inspection by the State Highway Department or by any agent or employee duly authorized by it.

The said State Highway Department shall make an inspection of the said records of all purchases, receipts, sales, distribution and use of motor fuel of every distributor at least once in each year, by or through such agent or employee as may be duly authorized by it, for the purpose of ascertaining whether said distributors are complying with the provisions of this Act. In case it should be found that such distributors are not complying with the provisions of this Act, the State Highway Department shall report to the Attorney General in what respects said distributors are failing to so comply with the provisions of this Act.

TAXATION AND DISTRIBUTION OF GASOLINE

Section 14. Discontinuance or Transfer of Business; Penalty:—Whenever a person ceases to engage in business as a distributor within the State of Delaware by reason of the discontinuance, sale or transfer of the business of such distributor, it shall be the duty of such distributor to notify the State Highway Department in writing at least ten (10) days prior to the time the discontinuance, sale or transfer takes effect. Such notice shall give the date of discontinuance, and, in the event of a sale or transfer of the business, the date thereof and the name and address of the purchaser or transferee thereof. All taxes, penalties, and interest under this Act not yet due and payable under the provisions of Section 6 hereof shall, notwithstanding such provisions, become due and payable concurrently with such discontinuance, sale or transfer, and it shall be the duty of any such distributor concurrently with such discontinuance, sale or transfer, to make a report and pay all such taxes, interest, and penalties, and to surrender to the State Highway Department the license theretofore issued to said distributor by the State Highway Department.

Unless the notice above provided for shall have been given to the State Highway Department, such purchaser or transferee shall be liable to the State of Delaware for the amount of all taxes, penalties, and interest under this Act accrued against any such distributor so selling or transferring his business, on the date of such sale or transfer, but only to the extent of the value of the property and business thereby acquired from such distributor.

Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00) and the costs of the prosecution or to be imprisoned for a period of not more than one (1) year or both in the discretion of the court.

Section 15. When Tax Payment Is in Default; Procedure:—If any distributor shall be in default for more than ten (10) days in the payment of any taxes and/or penalties thereon payable under the terms of this Act, the State Highway Department shall issue a

TAXATION AND DISTRIBUTION OF GASOLINE

warrant under its official seal, and signed by its chairman, directed to the sheriff of any county of the State, commanding said sheriff to levy upon and sell the goods and chattels of such distributor, without exemption, found within his jurisdiction, for the payment of the amount of such delinquency, with the added penalties and interest and the cost of executing the warrant, and to return such warrant to the State Highway Department and to pay said State Highway Department the money collected by virtue thereof within the time to be therein specified, which shall not be less than twenty (20) nor more than sixty (60) days from the date of the warrant. The Sheriff to whom any such warrant shall be directed shall proceed upon the same in all respects and with like effect and in the same manner as prescribed by law in respect to executions issued against goods and chattels upon judgments by a court of record, and shall be entitled to the same fees for his services in executing the warrant to be collected in the same manner; provided, that nothing in this Section shall be construed as forfeiting or waiving any rights to collect such taxes by an action upon any bond that may be filed with the State Highway Department under the provisions of this Act, or by suit or otherwise, and in case such suit, action or other proceeding shall have been instituted for the collection of said tax, such suit, action or other proceeding shall not be construed as waiving any other right herein provided.

Section 16. Refunds:—The State Treasurer shall refund the tax paid on motor fuels upon receipt of written authorization from the State Highway Department so to do, which written authorization shall be given under the following conditions:

(a) Motor fuel sold and delivered to and used by the State of Delaware and every political subdivision thereof;

(b) Motor fuel used by any person for the purpose of operating stationary gas engines, tractors, motor boats, air planes or air crafts, or any other purpose except in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of the State.

TAXATION AND DISTRIBUTION OF GASOLINE

When motor fuel is sold to a person as described above in (a) and (b) who shall claim to be entitled to a refund of the tax hereunder, the seller of such motor fuel shall make out in triplicate, on forms prescribed and supplied by the State Highway Department, a statement setting forth the name and address of the purchaser, the number of gallons of motor fuel so sold, the proposed use for which such motor fuel is purchased, and such other information as the State Highway Department shall require. The original of such statements shall be mailed by the seller to the State Highway Department not later than the tenth day of the following month. The duplicate of such statement shall be given to the purchaser at the time of sale. The triplicate shall be retained by the seller in his place of business for a period of two years.

All applications for refunds must be filed with the State Highway Department within ninety (90) days from the date of purchase or invoice of the motor fuel with respect to which refund is claimed.

All licensed distributors and retail filling stations shall return to the State Highway Department all unused forms which have been furnished them by the State Highway Department along with their license in the event of their discontinuing business or upon the cancellation of their license by the State Highway Department.

Such application shall be in such form as shall be prescribed by the State Highway Department, shall be sworn to, and shall state the quantity of motor fuel with respect to which refund is claimed, the purpose for which said motor fuel was used, date of purchase, from whom purchased, and such other information as the State Highway Department shall require.

Such application shall be accompanied by the original invoice showing such purchase, together with evidence of the payment thereof, and also the duplicate statement furnished by the seller at the time of sale above described.

The above conditions having been fully complied with, the State Highway Department shall determine the amount of the re-

TAXATION AND DISTRIBUTION OF GASOLINE

fund due on such application and authorize the State Treasurer in writing to pay such amount within thirty (30) days from the time of filing of the application for refund.

Section 17. Failure to File Statement; False Statement; Doing Business Without License, etc.; Penalties:—Any person who shall refuse or neglect to make any statement, report or return required by the provisions of this Act, or who shall knowingly make, or shall aid or assist any other person in making, a false statement in a report to the State Highway Department or in connection with an application for refund of any tax, or who shall sell any motor fuel purchased by such person from any person other than a duly licensed distributor upon which the tax herein imposed shall not be paid, shall be guilty of a misdemeanor, and, when no other penalty of fine and/or imprisonment is imposed by the provisions of other Sections of this Act, shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars (\$100.00) nor more than One Thousand dollars (\$1,000.00) or imprisonment for a term of not less than thirty (30) days and not more than one (1) year, or both such fine and imprisonment in the discretion of the Court.

Section 18. Exchange of Information Among the States:—The State Highway Department shall, upon request duly received from the officials to whom are entrusted the enforcement of the motor fuel tax laws of any other State, forward to such officials any information which it may have in its possession relative to the manufacture, receipt, sale, use, transportation and/or shipment by any person of motor fuel.

Section 19. Delivery of Motor Fuel Prohibited in Certain Cases; Penalty:—The delivery of motor fuel from a tank truck to the motor fuel tank of a motor vehicle is prohibited, except in cases of emergency. Any person violating this Section shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not more than fifty dollars (\$50.00), or imprisoned for a period of not more than thirty (30) days, or both in the discretion of the court.

TAXATION AND DISTRIBUTION OF GASOLINE

Section 20. That it shall be unlawful for the State Treasurer or State Highway Department, or any of his or its agents, deputies, assistants or employees, to disclose, except when required so to do in a Court of Law, or when it is deemed necessary so to do for the purpose of carrying out the provisions of this Act, the amount of tax paid in pursuance of the terms of this Act by any dealer or dealers, or any other information contained in the reports filed by any dealer or dealers under the terms of this Act, and any person violating the provisions of this Section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than three months, or by both such fine and imprisonment in the discretion of the Court.

Section 21. Penalties:—Any person violating any of the provisions of this Act, a penalty for which is not otherwise provided, or who shall fail or refuse to pay the tax imposed by this Act, or who shall engage in business in this State as a distributor without being the holder of an uncancelled license to engage in such business, or who shall make any false statement in any application, report or statement required by this Act, or who shall refuse to permit the State Highway Department or any deputy to examine records as provided by this Act, or who shall fail to keep proper records of quantities of motor fuel received, produced, refined, manufactured, compounded, sold, used and/or delivered in this State as required by this Act, or who shall collect or cause to be repaid to any person any tax not being entitled to the same under the provisions of this Act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall for the first offense be fined not more than five hundred dollars (\$500.00) or imprisoned for a period not exceeding six (6) months, or both in the discretion of the court, and for a second and any subsequent offense shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for a period not exceeding one year, or both in the discretion of the Court; provided that in addition to the penalty imposed in conformity to the above the defendant shall be required to pay all taxes and penalties due the State under this Act and/or pay to the State any other moneys wrongfully withheld or illegally refunded. Each day or

TAXATION AND DISTRIBUTION OF GASOLINE

part thereof during which any person shall engage in business as a distributor without being the holder of an uncancelled license shall constitute a separate offense within the meaning of this Section.

Section 22. Effective Date:—This Act shall become effective on July first, nineteen hundred thirty-five. Prior to that date, every distributor as defined herein shall secure a license as provided in this Act.

Section 23. Constitutionality:—If any part or parts, section subsection, sentence, clause or phrase of this Act is for any reason declared unconstitutional, such decision shall not affect the validity or meaning of the remaining portions of this Act.

Section 24. Chapter 31, Volume 38, Laws of Delaware, as amended, and all other Acts or parts of Acts inconsistent with this Act are hereby repealed.

Section 25. The provisions of all Acts hereby repealed, as heretofore existing, shall be continued in full force and effect as to all taxes and all interest thereon, all penalties and all interest thereon, all assessments, proceedings, suits, criminal or civil, and matters arising out of or in connection with any reports or payments required to be made for the period ending June 30, 1935, and all prior periods.

Approved April 18, 1935.

CHAPTER 42
 APPROPRIATIONS
 GENERAL BUDGET

**AN ACT MAKING APPROPRIATION FOR THE EXPENSES OF
 THE STATE GOVERNMENT FOR EACH OF THE TWO FISCAL
 YEARS ENDING JUNE 30, 1936, AND JUNE 30, 1937.**

*Be it enacted by the Senate and House of Representatives of
 the State of Delaware in General Assembly met:*

Section 1. That the several amounts named in this Act, or so much thereof as may be necessary, are hereby appropriated and authorized to be paid out of the treasury of this State to the respective public officers of the respective departments and divisions of Government, and other specified spending agencies, subject to the provisions of Sections 16, 17, and 18, of Chapter 81, of Volume 37, Laws of Delaware and for the periods specified; provided, however, that all parts or portions of the several sums appropriated by this Act which, on the first day of July immediately following each of the respective fiscal years, shall not have been paid out of the State Treasury, shall revert to the General Fund of the State Treasury.

The several sums hereby appropriated are as follows:

	For the Year Ending June 30, 1936	For the Year Ending June 30, 1937
GENERAL GOVERNMENT		
LEGISLATIVE		
A-1 COMMITTEE ON UNIFORM LAWS		
Office Expense	\$ 50.00	\$ 50.00
Travel	175.00	175.00
	<hr/>	<hr/>
	\$ 225.00	\$ 225.00

APPROPRIATIONS, GENERAL BUDGET

A-5-13 GENERAL ASSEMBLY, REGULAR SESSION

(Salaries and Wages)

State Senate	\$	\$ 10,320.00
State Representatives		21,120.00
President of Senate		720.00
Attorneys, Clerks, and etc.		30,000.00
Allowance to Members		11,000.00
Supplies (State Librarian)		5,000.00
Printing and Stationery		10,000.00
Stamps		1,000.00
Telephone Service		600.00
	\$ 89,760.00

JUDICIAL

B-1-5 COURT OF CHANCERY

(Salaries and Wages)

Chancellor	\$ 10,500.00	\$ 10,500.00
For Reporting	200.00	200.00
Stenographer	3,000.00	3,000.00
Additional	600.00	600.00
	\$ 14,300.00	\$ 14,300.00
Office Expense	400.00	400.00
Repairs and Replacements	100.00	100.00
Equipment (Chancellor's Reports)	1,600.00	1,600.00
	\$ 16,400.00	\$ 16,400.00

B-6-12 DEPARTMENT OF JUSTICE

(Salaries and Wages)

Chief Justice	\$ 10,500.00	\$ 10,500.00
Associate Judges	40,000.00	40,000.00
Kent County Judge for Reporting	200.00	200.00
Court Stenographer	3,000.00	3,000.00
Clerk to Supreme Court	300.00	300.00
Additional	3,250.00	3,250.00
	\$ 57,250.00	\$ 57,250.00

APPROPRIATIONS, GENERAL BUDGET

Office Expense	500.00	500.00
Repairs and Replacements	65.00	65.00
Equipment		2,000.00
	<u>\$ 57,815.00</u>	<u>\$ 59,815.00</u>

B-13 COMMON PLEAS COURT OF KENT COUNTY

Salaries and Wages	\$ 3,600.00	\$ 3,600.00
	<u> </u>	<u> </u>

B-14 JUSTICES OF PEACE

Office Expense (Bond Premiums)	\$ 400.00	\$ 400.00
	<u> </u>	<u> </u>

B-15-17 STATE LIBRARIAN

(Salaries and Wages)

Librarian	1,800.00	\$ 1,800.00
Clerk	400.00	400.00
	<u> </u>	<u> </u>
	\$ 2,200.00	\$ 2,200.00
Office Expense	150.00	150.00
Repairs and Replacements	200.00	200.00
Equipment	1,000.00	1,000.00
	<u> </u>	<u> </u>
	\$ 3,550.00	\$ 3,550.00

EXECUTIVE

C-1-4 GOVERNOR

Salary of Governor	\$ 7,500.00	\$ 7,500.00
Contingent Expenses	2,500.00	2,500.00
Governors Conference	100.00	100.00
Printing and Compiling Budget	115.00	3,035.00
	<u> </u>	<u> </u>
	\$ 10,215.00	\$ 13,135.00

APPROPRIATIONS, GENERAL BUDGET

ELECTIONS

D-1 DEPARTMENT OF ELECTIONS, WILMINGTON, DEL.

Salaries and Wages	\$ 2,600.00	\$ 2,600.00

D-2 LEVY COURTS, REGISTRARS AND ASSISTANTS

Salaries and Wages	\$	\$ 25,000.00

D-3 GOVERNOR

Presidential Electors	\$	\$ 25.00

LEGAL

E-1-7 ATTORNEY GENERAL, GENERAL ADMINISTRATION

(Salaries and Wages)

Attorney General	\$ 6,000.00	\$ 6,000.00
Chief Deputy	3,000.00	3,000.00
Deputy, New Castle County	3,000.00	3,000.00
Deputy, Kent County	2,500.00	2,500.00
Deputy, Sussex County	2,500.00	2,500.00
State Detectives	7,200.00	7,200.00
Additional	3,000.00	3,000.00

	\$ 27,200.00	\$ 27,200.00
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Office Expense	1,080.00	1,080.00
Travel	1,350.00	1,350.00
Operation	1,800.00	1,800.00
Repairs and Replacements	990.00	990.00
Equipment	90.00	90.00

	\$ 32,510.00	\$ 32,510.00
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APPROPRIATIONS, GENERAL BUDGET

E-8 ATTORNEY GENERAL, REQUISITION EXPENSE

Salaries and Wages	\$ 180.00	\$ 180.00
Travel	720.00	720.00
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	\$ 900.00	\$ 900.00

FINANCIAL

F-1-3 SECRETARY OF STATE

(Salaries and Wages)

Secretary of State	\$ 6,000.00	\$ 6,000.00
Telephone Operator	900.00	900.00

(Motor Vehicle Department)

Salaries	\$ 53,000.00	\$ 53,000.00
Office Expense	27,500.00	27,500.00
Travel	800.00	800.00
Operation	5,000.00	5,000.00
Repairs and Replacements	1,000.00	1,000.00
Equipment	1,200.00	1,200.00

(Corporation and Executive)

Salaries	\$ 29,000.00	\$ 29,000.00
Office Expense	2,000.00	2,000.00
Travel	200.00	200.00
Repairs and Replacements	500.00	500.00
Equipment	800.00	800.00
	<hr/>	<hr/>
	\$127,900.00	\$127,900.00

F-4 STATE BOARD OF ACCOUNTANCY

Salaries and Wages	\$ 100.00	\$ 100.00
Office Expense	50.00	50.00
	<hr/>	<hr/>
	\$ 150.00	\$ 150.00

APPROPRIATIONS, GENERAL BUDGET

F-5 ASSESSORS

Salaries and Wages	\$ 875.00	\$ 875.00
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F-6-8 STATE TREASURER

(Salaries and Wages)

State Treasurer	\$ 3,500.00	\$ 3,500.00
Deputy	2,400.00	2,400.00
Additional	3,280.00	3,280.00
	<u>\$ 9,180.00</u>	<u>\$ 9,180.00</u>

Office Expense	2,420.00	3,845.00
Travel	100.00	100.00
Repairs and Replacements	200.00	200.00
Equipment	100.00	100.00
	<u>\$ 12,000.00</u>	<u>\$ 13,425.00</u>

F-9 CLERK OF PEACE, NEW CASTLE COUNTY

Office Expense	\$ 300.00	\$ 300.00
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F-10-12 STATE AUDITOR, GENERAL ADMINISTRATION

(Salaries and Wages)

State Auditor	\$ 4,000.00	\$ 4,000.00
Deputy	2,400.00	2,400.00
Additional	10,360.00	10,360.00
	<u>\$ 16,760.00</u>	<u>\$ 16,760.00</u>

Office Expense	600.00	600.00
Travel	92.00	92.00
Repairs and Replacements	75.00	75.00
Equipment		
	<u>\$ 17,527.00</u>	<u>\$ 17,527.00</u>

APPROPRIATIONS, GENERAL BUDGET

F-13 STATE AUDITOR

SPECIAL AUDITING, UNIVERSITY OF DELAWARE

Salaries and Wages	\$ 1,000.00	\$ 1,000.00
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F-16-17 STATE INSURANCE COMMISSIONER
GENERAL ADMINISTRATION

(Salaries and Wages)

Commissioner	\$ 4,000.00	\$ 4,000.00
Clerks	3,300.00	3,300.00
	<u>\$ 7,300.00</u>	<u>\$ 7,300.00</u>
Office Expense	720.00	720.00
Travel	150.00	150.00
Repairs and Replacements	100.00	100.00
Equipment	100.00	100.00
	<u>\$ 8,370.00</u>	<u>\$ 8,370.00</u>

F-14-15 STATE REVENUE COLLECTOR

Salary of Collector	\$ 1,800.00	\$ 1,800.00
Office Expense	40.00	40.00
Travel	500.00	500.00
	<u>\$ 2,340.00</u>	<u>\$ 2,340.00</u>

F-18 REGISTRARS OF WILLS

Salaries and Wages	\$ 800.00	\$ 800.00
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F-19-21 OYSTER REVENUE COLLECTOR

(Salaries and Wages)

Collector	\$ 960.00	\$ 960.00
Additional	6,200.00	6,200.00
	<u>\$ 7,160.00</u>	<u>\$ 7,160.00</u>

APPROPRIATIONS, GENERAL BUDGET

Office Expense	65.00	65.00
Travel	75.00	75.00
Operation	500.00	500.00
Repairs and Replacements	700.00	700.00
	<u> </u>	<u> </u>
	\$ 8,500.00	\$ 8,500.00

F-22-23 STATE TAX DEPARTMENT

(Salaries and Wages)

Commissioner	\$ 6,000.00	\$ 6,000.00
Additional	68,008.00	68,008.00
	<u> </u>	<u> </u>
	\$ 74,008.00	\$ 74,008.00

Office Expense	15,040.00	15,040.00
Travel	300.00	300.00
Repairs and Replacements	100.00	100.00
Equipment	300.00	300.00
	<u> </u>	<u> </u>
	\$ 89,748.00	\$ 89,748.00

F-24-24 STATE BANKING COMMISSIONER

(Salaries and Wages)

Commissioner	\$ 4,200.00	\$ 4,200.00
Additional	10,500.00	10,300.00
	<u> </u>	<u> </u>
	\$ 14,700.00	\$ 14,500.00

Office Expenses	1,650.00	1,650.00
Travel	2,800.00	2,800.00
Repairs and Replacements	250.00	450.00
Equipment	100.00	100.00
	<u> </u>	<u> </u>
	\$ 19,500.00	\$ 19,500.00

APPROPRIATIONS, GENERAL BUDGET

GENERAL GOVERNMENT BUILDINGS

G-1 STATE CUSTODIAN

(Salaries and Wages)

Custodian	\$ 1,500.00	\$ 1,500.00
Janitors and Watchman	9,920.00	9,920.00
Additional	900.00	900.00
	<hr/>	<hr/>
	\$ 12,320.00	\$ 12,320.00
Office Expense	100.00	100.00
Operation	9,580.00	9,580.00
Repairs and Replacements	5,000.00	5,000.00
Equipment	500.00	500.00
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	\$ 27,500.00	\$ 27,500.00

G-2 STATE INSURANCE COMMISSIONER

Operation	\$ 32,000.00	\$ 32,000.00
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CONSERVATION OF HEALTH AND SANITATION

H-1 STATE BOARD OF HEALTH, GENERAL ADMINISTRATION

Salaries and Wages	\$ 57,000.00	\$ 57,000.00
Office Expense	6,100.00	6,100.00
Travel	1,700.00	1,700.00
Operation	11,000.00	11,000.00
Repairs and Replacements	3,950.00	3,950.00
Equipment	1,250.00	1,250.00
	<hr/>	<hr/>
	\$ 81,000.00	\$ 81,000.00

H-1½ STATE BOARD OF HEALTH, CORPS OF ORAL HYGIENISTS

Salaries and Wages	\$ 9,947.00	\$ 9,947.00
Office Expense	228.00	228.00
Travel	112.00	112.00
Operation	567.00	567.00
Repairs and Replacements	513.00	513.00
Equipment	633.00	633.00
	<hr/>	<hr/>
	\$ 12,000.00	\$ 12,000.00

APPROPRIATIONS, GENERAL BUDGET

H-2 STATE BOARD OF HEALTH

PATHOLOGICAL AND BACTERIOLOGICAL LABORATORY

Salaries and Wages	\$ 7,628.00	\$ 7,628.00
Office Expense	200.00	200.00
Travel	30.00	30.00
Operation	2,050.00	2,050.00
Repairs and Replacements	42.00	42.00
Equipment	50.00	50.00
	\$ 10,000.00	\$ 10,000.00

H-3 STATE BOARD OF HEALTH, EDGEWOOD SANATORIUM

Salaries and Wages	\$ 10,000.00	\$ 10,000.00
Office Expense	450.00	450.00
Travel	95.00	95.00
Operation	14,000.00	14,000.00
Repairs and Replacements	2,000.00	2,000.00
Equipment	455.00	455.00
	\$ 27,000.00	\$ 27,000.00

H-4 STATE BOARD OF HEALTH, BRANDYWINE SANATORIUM

Salaries and Wages	\$ 47,500.00	\$ 47,500.00
Office Expense	2,000.00	2,000.00
Travel	250.00	250.00
Operation	57,500.00	57,500.00
Repairs and Replacements	10,250.00	10,250.00
Equipment	2,500.00	2,500.00
Permanent Improvements		
	\$120,000.00	\$120,000.00

H-5 MEDICAL COUNCIL OF DELAWARE

Salaries and Wages	\$ 450.00	\$ 450.00
Office Expense	100.00	100.00
Travel	50.00	50.00
	\$ 600.00	\$ 600.00

APPROPRIATIONS, GENERAL BUDGET

H-6 STATE BOARD OF PHARMACY

Salaries and Wages	\$ 300.00	\$ 300.00
Office Expense	100.00	100.00
Travel	100.00	100.00
	<hr/>	<hr/>
	\$ 500.00	\$ 500.00

H-7 DENTISTRY AND DENTAL BOARD

Salaries and Wages	\$ 440.00	\$ 440.00
Office Expense	40.00	40.00
Travel	170.00	170.00
Equipment	50.00	50.00
	<hr/>	<hr/>
	\$ 700.00	\$ 700.00

H-8 BOARD OF EXAMINERS OF BARBERS

Salaries and Wages	\$ 400.00	\$ 400.00
Office Expense	20.00	20.00
Travel	20.00	20.00
	<hr/>	<hr/>
	\$ 440.00	\$ 440.00

H-9 STATE BOARD OF VETERINARY EXAMINERS

Expenses of Board	\$ 50.00	\$ 50.00
	<hr/>	<hr/>

H-10 STATE BOARD OF EXAMINERS IN OPTOMETRY

Salaries and Wages	\$ 45.00	\$ 45.00
Office Expense	35.00	35.00
Travel	25.00	25.00
	<hr/>	<hr/>
	\$ 105.00	\$ 105.00

APPROPRIATIONS, GENERAL BUDGET

H-11 STATE BOARD OF EXAMINERS OF GRADUATE NURSES

Salaries and Wages	\$ 825.00	\$ 825.00
Office Expense	108.00	108.00
Travel	42.00	42.00
Equipment	25.00	25.00
	\$ 1,000.00	\$ 1,000.00

H-12 STATE BOARD OF UNDERTAKERS

Salaries and Wages	\$ 150.00	\$ 150.00
Office Expense	50.00	50.00
Travel	25.00	25.00
	\$ 225.00	\$ 225.00

H-15 STATE HOUSING COMMISSION

Salaries and Wages	\$ 3,840.00	\$ 3,840.00
Office Expense	1,010.00	1,010.00
Travel	150.00	150.00
	\$ 5,000.00	\$ 5,000.00

CHARITIES, HOSPITAL AND CORRECTIONS

I-1 GOVERNOR

Operation	\$ 19,000.00	\$ 19,000.00

I-2-3 STATE BOARD OF CHARITIES

(Salaries and Wages)

Secretary	\$	\$
Additional
	\$ 4,620.00	\$ 4,620.00

APPROPRIATIONS, GENERAL BUDGET

Office Expense	475.00	475.00
Travel	80.00	80.00
Operation	260.00	260.00
Repairs and Replacements	40.00	40.00
Equipment	25.00	25.00
	<hr/>	<hr/>
	\$ 5,500.00	\$ 5,500.00

1-4 DELAWARE STATE HOSPITAL

Salaries and Wages	\$165,000.00	\$165,000.00
Office Expense	4,400.00	4,400.00
Travel	1,700.00	1,700.00
Operation	140,000.00	140,000.00
Repairs and Replacements	14,000.00	14,000.00
Equipment	10,317.00	10,317.00
Permanent Improvements		
Land		
	<hr/>	<hr/>
	\$335,417.00	\$335,417.00

1-7-10 MOTHER'S PENSION COMMISSION

Salaries and Wages	\$ 6,030.00	\$ 6,030.00
Office Expense	400.00	400.00
Travel	2,680.00	2,680.00
Operation (Pensions)	46,500.00	46,500.00
Repairs and Replacements	15.00	15.00
Equipment		
	<hr/>	<hr/>
	\$ 55,625.00	\$ 55,625.00

1-12 DELAWARE INDUSTRIAL SCHOOL FOR COLORED GIRLS

Salaries and Wages	\$ 17,320.00	\$ 17,320.00
Office Expense	675.00	675.00
Travel	610.00	610.00
Operation	16,744.00	16,744.00
Repairs and Replacements	3,000.00	3,000.00
Equipment	200.00	200.00
Permanent Improvements	500.00	500.00
	<hr/>	<hr/>
	\$ 39,049.00	\$ 39,049.00

APPROPRIATIONS, GENERAL BUDGET

I-14 STATE TREASURER

Operation (Burials)	\$ 2,000.00	\$ 2,000.00
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I-16 DELAWARE COMMISSION FOR FEEBLE MINDED

Salaries and Wages	\$ 29,644.00	\$ 29,644.00
Office Expense	975.00	975.00
Travel	277.00	277.00
Operation	68,108.00	68,108.00
Repairs and Replacements	16,112.00	16,112.00
Equipment	920.00	920.00
Permanent Improvements		
	\$116,036.00	\$116,036.00

I-17 FERRIS INDUSTRIAL SCHOOL

Salaries and Wages	\$ 29,021.00	\$ 29,021.00
Office Expense	1,650.00	1,650.00
Travel	685.00	685.00
Operation	74,000.00	74,000.00
Repairs and Replacements	9,465.00	8,465.00
Equipment	2,360.00	2,360.00
Permanent Improvements	500.00	500.00
	\$117,681.00	\$116,681.00

I-18 OLD AGE WELFARE COMMISSION—PENSION ACT

Salaries and Wages	\$ 7,500.00	\$ 7,500.00
Office Expense	2,000.00	2,000.00
Travel	2,000.00	2,000.00
Operation	188,200.00	188,200.00
Repairs and Replacements		
Equipment	300.00	300.00
	\$200,000.00	\$200,000.00

APPROPRIATIONS, GENERAL BUDGET

I-20 STATE OLD AGE WELFARE COMMISSION

MAINTENANCE OF WELFARE HOME

Operation	\$ 65,000.00	\$ 65,000.00
Equipment	-----	-----
	<u> </u>	<u> </u>
	\$ 65,000.00	\$ 65,000.00

EDUCATION

J-1 UNIVERSITY OF DELAWARE, GENERAL ADMINISTRATION

Salaries and Wages	\$142,500.00	\$142,500.00
Office Expense	1,300.00	1,300.00
Operation	31,000.00	31,000.00
Repairs and Replacements	7,500.00	7,500.00
Equipment	650.00	650.00
Permanent Improvements	-----	-----
	<u> </u>	<u> </u>
	\$182,950.00	\$182,950.00

J-2 UNIVERSITY OF DELAWARE, CHAIR OF HISTORY

Salaries and Wages	\$ 2,250.00	\$ 2,250.00
	<u> </u>	<u> </u>

J-2½ UNIVERSITY OF DELAWARE, CHAIR OF PHYSICAL EDUCATION

Salaries and Wages	\$ 3,840.00	\$ 3,840.00
Operation	210.00	210.00
	<u> </u>	<u> </u>
	\$ 4,050.00	\$ 4,050.00

J-3 UNIVERSITY OF DELAWARE, SUMMER SCHOOL FOR TEACHERS

Salaries and Wages	\$ 6,750.00	\$ 6,750.00
	<u> </u>	<u> </u>

APPROPRIATIONS, GENERAL BUDGET

J-4 UNIVERSITY OF DELAWARE

SMITH-LEVER AGRICULTURE EXTENSION

Salaries and Wages	\$ 7,214.53	\$ 7,214.53
Office Expense	6,000.00	6,000.00
Travel		
	\$ 13,214.53	\$ 13,214.53

J-5 UNIVERSITY OF DELAWARE, SCHOOL OF AGRICULTURE

Operation	\$ 575.00	\$ 575.00
Travel	100.00	100.00
	\$ 675.00	\$ 675.00

J-6 UNIVERSITY OF DELAWARE, U. S. GOVERNMENT APPROPRIATION

Salaries and Wages	\$ 40,000.00	\$ 40,000.00
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J-7 UNIVERSITY OF DELAWARE

AGRICULTURE AND FARM EXPERIMENT STATION

Salaries and Wages	\$ 12,000.00	\$ 12,000.00
Office Expense	400.00	400.00
Travel	200.00	200.00
Operation	5,000.00	5,000.00
Repairs and Replacements	900.00	900.00
	\$ 18,500.00	\$ 18,500.00

J-8 UNIVERSITY OF DELAWARE, POULTRY AND ENTOMOLOGY

Salaries and Wages	\$ 3,940.00	\$ 3,940.00
Office Expense	75.00	75.00
Travel	900.00	900.00
Operation	1,025.00	1,025.00
	\$ 5,940.00	\$ 5,940.00

APPROPRIATIONS, GENERAL BUDGET

J-9 STATE COLLEGE FOR COLORED STUDENTS

Salaries and Wages	\$ 17,815.00	\$ 17,815.00
Office Expense	1,400.00	1,400.00
Travel	300.00	300.00
Operation	19,830.00	19,830.00
Repairs and Replacements	3,755.00	3,755.00
Equipment	500.00	500.00
Permanent Improvements		
	<u>\$ 43,600.00</u>	<u>\$ 43,600.00</u>

J-10 STATE COLLEGE FOR COLORED STUDENTS

U. S. GOVERNMENT APPROPRIATION

Salaries and Wages	\$ 10,000.00	\$ 10,000.00
	<u> </u>	<u> </u>

J-12 STATE BOARD OF VOCATIONAL EDUCATION

Operation	\$ 1,500.00	\$ 1,500.00
Office Expense	100.00	100.00
	<u> </u>	<u> </u>
	\$ 1,600.00	\$ 1,600.00

DEVELOPMENT AND CONSERVATION OF NATURAL RESOURCES

K-1 STATE BOARD OF AGRICULTURE, GENERAL ADMINISTRATION

Salaries and Wages	\$ 6,500.00	\$ 6,500.00
Office Expense	800.00	800.00
Travel	1,300.00	1,300.00
Operation	250.00	250.00
Repairs and Replacements	100.00	100.00
Equipment	50.00	50.00
	<u> </u>	<u> </u>
	\$ 9,000.00	\$ 9,000.00

APPROPRIATIONS, GENERAL BUDGET

K-3 STATE BOARD OF AGRICULTURE

ANALYZING FERTILIZERS AND FEEDS

Salaries and Wages	\$ 10,400.00	\$ 10,400.00
Office Expense	750.00	750.00
Travel	150.00	150.00
Operation	575.00	575.00
Repairs and Replacements	100.00	100.00
Equipment	25.00	25.00
	<hr/>	<hr/>
	\$ 12,000.00	\$ 12,000.00

K-2 STATE BOARD OF AGRICULTURE

PENINSULA HORTICULTURAL SOCIETY

Office Expense	\$ 450.00	\$ 450.00
Travel	100.00	100.00
Operation	350.00	350.00
	<hr/>	<hr/>
	\$ 900.00	\$ 900.00

K-4 STATE BOARD OF AGRICULTURE

CONTROLLING DISEASES OF LIVE STOCK

Salaries and Wages	\$ 3,000.00	\$ 3,000.00
Travel	200.00	200.00
Operation	1,800.00	1,800.00
	<hr/>	<hr/>
	\$ 5,000.00	\$ 5,000.00

K-5 STATE BOARD OF AGRICULTURE, FARM PRODUCTS INSPECTION

Salaries and Wages	\$ 6,500.00	\$ 6,500.00
Office Expense	100.00	100.00
Travel	1,200.00	1,200.00
Operation	450.00	450.00
	<hr/>	<hr/>
	\$ 8,250.00	\$ 8,250.00

APPROPRIATIONS, GENERAL BUDGET

K-6 STATE BOARD OF AGRICULTURE, BUREAU OF MARKETS

Salaries and Wages	\$ 5,150.00	\$ 5,150.00
Office Expenses	825.00	825.00
Travel	450.00	450.00
Operation	350.00	350.00
Repairs and Replacements	400.00	400.00
Equipment	25.00	25.00
	<hr/>	<hr/>
	\$ 7,200.00	\$ 7,200.00

K-7 STATE BOARD OF AGRICULTURE, POULTRY DISEASES

Salaries and Wages	\$ 9,500.00	\$ 9,500.00
Office Expense	550.00	550.00
Travel	2,400.00	2,400.00
Operation	1,600.00	1,600.00
Repairs and Replacements	250.00	250.00
Equipment	\$ 100.00	\$ 100.00
	<hr/>	<hr/>
	\$ 14,400.00	\$ 14,400.00

K-8 STATE BOARD OF AGRICULTURE

CATTLE TUBERCULOSIS ERADICATION

Salaries and Wages	\$ 14,500.00	\$ 14,500.00
Office Expense	100.00	100.00
Travel	500.00	500.00
Operation	19,000.00	19,000.00
Repairs and Replacements	350.00	350.00
Equipment	50.00	50.00
	<hr/>	<hr/>
	\$ 34,500.00	\$ 34,500.00

K-9 STATE BOARD OF AGRICULTURE, CORN GROWERS ASSOCIATION

Salaries and Wages	\$ 25.00	\$ 25.00
Office Expense	75.00	75.00
Operation	350.00	350.00
	<hr/>	<hr/>
	\$ 450.00	\$ 450.00

APPROPRIATIONS, GENERAL BUDGET

K-10 STATE BOARD OF AGRICULTURE, HOG CHOLERA ERADICATION

Operation	\$ 9,000.00	\$ 9,000.00
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K-11 STATE BOARD OF AGRICULTURE, PLANT PATHOLOGIST

Salaries and Wages	\$ 2,160.00	\$ 2,160.00
Office Expense	450.00	450.00
Travel	1,350.00	1,350.00
Operation	225.00	225.00
Repairs and Replacements	90.00	90.00
Equipment	225.00	225.00
	<hr/>	<hr/>
	\$ 4,500.00	\$ 4,500.00

K-12 STATE BOARD OF AGRICULTURE, JAPANESE BEETLE ERADICATION

Salaries and Wages	\$ 7,000.00	\$ 7,000.00
Office Expense	50.00	50.00
Travel	50.00	50.00
Operation	500.00	500.00
Repairs and Replacements	400.00	400.00
Equipment	100.00	100.00
	<hr/>	<hr/>
	\$ 8,100.00	\$ 8,100.00

K-13 STATE BOARD OF AGRICULTURE

APPLE GRADING AND INSPECTION

Salaries and Wages	\$ 2,050.00	\$ 2,050.00
Office Expense	50.00	50.00
Travel	400.00	400.00
Operation	200.00	200.00
	<hr/>	<hr/>
	\$ 2,700.00	\$ 2,700.00

K-13½ STATE BOARD OF AGRICULTURE, CANTALOUPE INSPECTION

Operation	\$ 500.00	\$ 500.00
	<hr/>	<hr/>

APPROPRIATIONS, GENERAL BUDGET

K-14 STATE FORESTRY DEPARTMENT, GENERAL ADMINISTRATION

Salaries and Wages	\$ 5,902.00	\$ 5,902.00
Office Expense	1,120.00	1,120.00
Travel	800.00	800.00
Operation	3,038.00	3,038.00
Repairs and Replacements	200.00	200.00
Equipment	100.00	100.00
	<hr/>	<hr/>
	\$ 11,160.00	\$ 11,160.00

PROTECTION TO PERSON AND PROPERTY

L-1-4 LABOR COMMISSION OF DELAWARE

(Salaries and Wages)

Child Labor Inspector	\$ 2,100.00	\$ 2,100.00
Ten Hour Law Inspector	1,500.00	1,500.00
Secretary	100.00	100.00
Additional	1,815.00	1,815.00
	<hr/>	<hr/>
	\$ 5,515.00	\$ 5,515.00

Office Expense	1,015.00	1,015.00
Travel	220.00	220.00
Operation	350.00	350.00
Repairs and Replacements	100.00	100.00
Equipment		
	<hr/>	<hr/>
	\$ 7,200.00	\$ 7,200.00

L-5-7 PAROLE BOARD

(Salaries and Wages)

Board Members	\$ 360.00	\$ 360.00
Parole Officer	2,400.00	2,400.00
Clerk	85.00	85.00
	<hr/>	<hr/>
	\$ 2,845.00	\$ 2,845.00

APPROPRIATIONS, GENERAL BUDGET

Office Expense	\$ 35.00	35.00
Travel	450.00	450.00
	<u>\$ 3,330.00</u>	<u>\$ 3,330.00</u>

L-8 DETENTION HOME FOR JUVENILES

Salaries and Wages	\$ 1,500.00	\$ 1,500.00
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L-9 BOARD OF PARDONS

Salary of Lieutenant Governor	\$ 100.00	\$ 100.00
Witness Fees	25.00	25.00
Travel	25.00	25.00
	<u>\$ 150.00</u>	<u>\$ 150.00</u>

L-10 DELAWARE SOCIETY CRUELTY TO ANIMALS

Operation	\$ 500.00	\$ 500.00
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L-13 BOARD OF BOILER RULES

Salaries and Wages	\$ 4,110.00	\$ 4,110.00
Office Expense	130.00	130.00
Travel	710.00	710.00
Repairs and Replacements		
	<u>\$ 4,950.00</u>	<u>\$ 4,950.00</u>

L-15 STATE FORESTRY DEPARTMENT
SPECIAL FIRE PROTECTION AND EXTINCTION

Salaries and Wages	\$ 1,400.00	\$ 1,400.00
Office Expense	600.00	600.00
Travel	1,000.00	1,000.00
Operation	1,730.00	1,730.00
Repairs and Replacements	175.00	175.00
Equipment	95.00	95.00
	<u>\$ 5,000.00</u>	<u>\$ 5,000.00</u>

APPROPRIATIONS, GENERAL BUDGET

L-16 REGULATORS OF WEIGHTS AND MEASURES

Salaries and Wages	\$ 4,200.00	\$ 4,200.00
Travel	1,800.00	1,800.00
Operation	100.00	100.00
	<hr/>	<hr/>
	\$ 6,100.00	\$ 6,100.00

L-17 DELAWARE REAL ESTATE COMMISSION

Salaries and Wages	\$ 750.00	\$ 750.00
Office Expense	50.00	50.00
Travel	100.00	100.00
	<hr/>	<hr/>
	\$ 900.00	\$ 900.00

L-18 INDUSTRIAL ACCIDENT BOARD

Salaries and Wages	\$ 14,740.00	\$ 14,740.00
Office Expense	2,330.00	2,330.00
Travel	2,200.00	2,200.00
Repairs and Replacements	50.00	50.00
	<hr/>	<hr/>
	\$ 19,320.00	\$ 19,320.00

L-19-21 NATIONAL GUARD, ADJUTANT GENERAL

GENERAL ADMINISTRATION

(Salaries and Wages)

Adjutant General	\$ 2,500.00	\$ 2,500.00
Two Clerks	3,600.00	3,600.00
Additional	5,865.00	5,865.00
	<hr/>	<hr/>
	\$ 11,965.00	\$ 11,965.00
Office Expense	1,200.00	1,200.00
Travel	1,000.00	1,000.00
Operation	5,500.00	5,500.00
Repairs and Replacements	800.00	800.00
Equipment	400.00	400.00
	<hr/>	<hr/>
	\$ 20,865.00	\$ 20,865.00

APPROPRIATIONS, GENERAL BUDGET

L-22 NATIONAL GUARD, STATE RIFLE RANGE

Salaries and Wages	\$ 1,815.00	\$ 1,815.00
Operation	600.00	600.00
Repairs and Replacements	500.00	500.00
Equipment	85.00	85.00
Permanent Improvements		
	<u>\$ 3,000.00</u>	<u>\$ 3,000.00</u>

L-23 NATIONAL GUARD, BATTERIES, HEADQUARTERS AND BANDS

Salaries and Wages	\$ 750.00	\$ 750.00
Office Expense	765.00	765.00
Travel	885.00	885.00
Operation	6,200.00	6,200.00
Repairs and Replacements	1,735.00	1,735.00
Equipment	200.00	200.00
Permanent Improvements		
	<u>\$ 10,535.00</u>	<u>\$ 10,535.00</u>

L-24 NATIONAL GUARD, ALLOWANCE FOR REGIMENTAL BAND

Salaries and Wages	\$ 2,250.00	\$ 2,250.00
Office Expense		
Operation		
Equipment		
	<u>\$ 2,250.00</u>	<u>\$ 2,250.00</u>

L-25 NATIONAL GUARD, CLOTHING ALLOWANCE TO OFFICERS

Operation	\$ 1,525.00	\$ 1,525.00
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HIGHWAYS AND WATERWAYS

M-1 STATE HIGHWAY DEPARTMENT

MAINTENANCE OF WHARF AT LITTLE CREEK

Repairs and Replacements	\$ 100.00	\$ 100.00
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APPROPRIATIONS, GENERAL BUDGET

M-2 DELAWARE WATERFRONT COMMISSION

Salaries and Wages	\$	\$
Office Expense
Travel
	<u>\$ 1,000.00</u>	<u>\$ 1,000.00</u>

LIBRARIES

N-1 STATE LIBRARY COMMISSION

Salaries and Wages	\$ 4,700.00	\$ 4,700.00
Office Expense	405.00	405.00
Travel	150.00	150.00
Operation	530.00	530.00
Repairs and Replacements	600.00	600.00
Equipment	2,615.00	2,615.00
	<u>\$ 9,000.00</u>	<u>\$ 9,000.00</u>

N-2a REHOBOTH FREE LIBRARY

Operation	\$ 100.00	\$ 100.00
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N-2b DOVER FREE LIBRARY

Operation	\$ 500.00	\$ 500.00
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N-2c SEAFORD FREE LIBRARY

Operation	\$ 150.00	\$ 150.00
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N-2d CORBIT FREE LIBRARY

Operation	\$ 300.00	\$ 300.00
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N-2e MILFORD FREE LIBRARY

Operation	\$ 400.00	\$ 400.00
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N-2f FRANKFORD FREE LIBRARY

Operation	\$ 100.00	\$ 100.00
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APPROPRIATIONS, GENERAL BUDGET

N-2g MILTON FREE LIBRARY

Operation	\$ 200.00	\$ 200.00
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N-2h LEWES FREE LIBRARY

Operation	\$ 100.00	\$ 100.00
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N-2i NEWARK FREE LIBRARY

Operation	\$ 500.00	\$ 500.00
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N-2j LAUREL FREE LIBRARY

Operation	\$ 150.00	\$ 150.00
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HISTORICAL RECORDS

O-1 PUBLIC ARCHIVES COMMISSION

Salaries and Wages	\$ 5,030.00	\$ 5,030.00
Office Expense	150.00	150.00
Travel	100.00	100.00
Repairs and Replacements	20.00	20.00
Equipment	500.00	500.00
Permanent Improvements		
	<u>\$ 5,800.00</u>	<u>\$ 5,800.00</u>

O-2 HISTORICAL SOCIETY OF DELAWARE

Operation	\$ 300.00	\$ 300.00
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O-3 PORTRAIT COMMISSION OF DELAWARE

Repairs and Replacements	\$ 250.00	\$ 250.00
Equipment	250.00	250.00
	<u>\$ 500.00</u>	<u>\$ 500.00</u>

APPROPRIATIONS, GENERAL BUDGET

O-4 LEWES TERCENTENARY COMMISSION

Expenses of Commission	\$ 500.00	\$ 500.00
	<u> </u>	<u> </u>

RECREATION

P-1 AMERICAN LEGION

Operation	\$ 2,000.00	\$ 2,000.00
	<u> </u>	<u> </u>

P-2 UNITED SPANISH WAR VETERANS

Operation	\$ 500.00	\$ 500.00
	<u> </u>	<u> </u>

P-3 VETERANS OF FOREIGN WARS

Operation	\$ 1,500.00	\$ 1,500.00
	<u> </u>	<u> </u>

P-4 DELAWARE COMMANDER G. A. R.

Operation	\$ 1,000.00	\$ 1,000.00
	<u> </u>	<u> </u>

DEBT SERVICE

Q-1-7 STATE TREASURER

Interest	\$ 9,962.50	\$ 9,450.00
Redemption	10,000.00	15,000.00
	<u> </u>	<u> </u>
	\$ 19,962.50	\$ 24,450.00

GENERAL

R-1 SECRETARY OF STATE, STATE DEPARTMENT OF SUPPLIES

Office Expense	\$ 19,500.00	\$ 19,500.00
	<u> </u>	<u> </u>

APPROPRIATIONS, GENERAL BUDGET

Section 2. That if the estimated revenues of the State of Delaware shall prove to be insufficient for the payment of the several appropriations provided for herein, to provide for casual deficiencies of revenue for either of the fiscal years aforesaid, and in order that the appropriations hereinabove enumerated may be promptly paid, the State Treasurer is hereby authorized to issue notes or certificates of indebtedness of the State of Delaware to such an amount as he shall, by and with the consent of the Governor and the Secretary of State, deem necessary to meet and to pay any of said appropriations, or any part of any of said appropriations, as to which the revenues of the State of Delaware for either of the fiscal years aforesaid may prove to be insufficient. The said notes or certificates of indebtedness shall be in such denominations, and have such form as the Governor, the Secretary of State, and the State Treasurer may determine, and shall be payable at any period not exceeding one year from the date of the issuance thereof out of any moneys in the treasury of the State not otherwise appropriated. The said notes or certificates of indebtedness shall be numbered consecutively. The principal of said notes or certificates of indebtedness shall be payable at the Farmers' Bank at Dover, on the date of their maturity upon presentation thereat and surrender thereof.

The said notes or certificates of indebtedness shall be signed by the Governor, the Secretary of State, and the State Treasurer, for and on behalf of the State, and shall have the great seal of the State of Delaware impressed thereon or affixed thereto.

Section 3. That the Governor, the State Treasurer and the Secretary of State shall constitute a Commission to negotiate and arrange for the sale or disposition of said notes or certificates of indebtedness.

Section 4. That all moneys received by the State Treasurer from the sale of the said notes or certificates of indebtedness by this Act authorized to be issued, shall be and they are hereby specially pledged and appropriated to and for the payment of the several appropriations, or any part or portion thereof hereinabove

APPROPRIATIONS, GENERAL BUDGET

enumerated and set forth, as to which the revenues of the State for the said fiscal year may prove to be insufficient; provided, however, if, for the payment of said appropriations it shall be necessary to sell said notes or certificates of indebtedness, or any of them, and there shall remain a balance in the hands of the State Treasurer derived from said sale of said notes or certificates of indebtedness, after the said appropriations shall have been paid, then such balance is hereby appropriated and the State Treasurer is hereby authorized and directed to pay such balance into the general fund of the State of Delaware.

Section 5. That the public faith and credit of the State of Delaware is hereby pledged for the full and complete payment of the principal and interest of the notes or certificates of indebtedness authorized by this Act, and said notes or certificates of indebtedness shall be, and the same are exempted from taxation for any purposes by this State.

Section 6. That all expenses incident to the advertising, preparation, the issuing and delivering of said notes or certificates of indebtedness shall be allowed to the said State Treasurer, and shall be paid by him out of any money in the treasury of the State not otherwise appropriated upon the production and exhibition by the said State Treasurer of the necessary vouchers thereof as by law required with reference to other disbursements of the public fund.

Approved March 25, 1935.

CHAPTER 43

APPROPRIATIONS

SALARY RESTORATION

AN ACT TO AMEND AN ACT, ENTITLED: "AN ACT MAKING APPROPRIATION FOR THE EXPENSES OF THE STATE GOVERNMENT FOR EACH OF THE TWO FISCAL YEARS ENDING JUNE 30, 1936, AND JUNE 30, 1937," APPROVED MARCH 25, 1935.

WHEREAS, in the general appropriation Act, enacted by the One Hundred and Fourth General Assembly of the State of Delaware, making appropriations for the expenses of the State Government for each of the two fiscal years ending June 30, 1934, and June 30, 1935, it was provided that the salaries of certain officers and employees should be reduced at a certain rate per centum, according to the amounts of their salaries as of June 30, 1932, and the various amounts set up in the said Act for salaries and wages were reduced accordingly; and

WHEREAS, in the general appropriation Act, enacted by this One Hundred and Fifth General Assembly, and approved March 25, 1935, and making appropriation for the expenses of the State Government for each of the two years ending June 30, 1936, and June 30, 1937, it is not provided that there shall be any such reduction in the salaries of the said officers and employees; but, nevertheless, the various sums set up in the said Act, for salaries and wages, show the same or similar reductions as contained in the appropriation Act for the two previous fiscal years; and

WHEREAS, it is the intent and purpose of this Act, that the reductions of the salaries of the said officers and employees, during the two fiscal years ending June 30, 1936, and June 30, 1937, shall not be greater than fifty per centum (50%) of the reductions during the two previous years; therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

APPROPRIATIONS, SALARY RESTORATION

Section 1. That the Act entitled: "An Act Making Appropriation for the Expenses of the State Government for each of the Two Fiscal Years Ending June 30, 1936, and June 30, 1937", approved March 25, 1935, be and the same is hereby amended by adding thereto a new section, to be styled Section 7, as follows:

Section 7. That, for the purpose of restoring, during each of the two fiscal years ending June 30, 1936, and June 30, 1937, to the certain officers and employees whose salaries would otherwise be reduced according to the amounts set up in Section 1 of this Act, the several amounts hereinafter set forth and allocated to the several departments named, are hereby appropriated and authorized to be paid out of the Treasury of this State to the said respective departments, as follows:

		For the Year Ending June 30, 1936	For the Year Ending June 30, 1937
D-1	Department of Elections, Wil- mington	75.00	75.00
E-1	Attorney General, Gen. Admin.	150.00	150.00
F-1	Secretary of State	2,000.00	2,000.00
F-6-8	State Treasurer	160.00	160.00
F-10-12	State Auditor	550.00	550.00
F-19-21	Oyster Revenue Collector	294.00	294.00
F-22-23	State Tax Department	3,781.00	3,781.00
F-24-25	State Bank Commissioner	570.00	570.00
G-1	State Custodian	500.00	500.00
H-1	State Board of Health, Gen. Admin.	3,150.00	3,150.00
H-2	State Board of Health, Labora- tory	425.00	425.00
H-3	State Board of Health, Edge- wood San.	400.00	400.00
H-4	State Board of Health, Bran- dywine San.	1,200.00	1,200.00

APPROPRIATIONS, SALARY RESTORATION

I-2-3	State Board of Charities	240.00	240.00
I-4	Delaware State Hospital	8,700.00	8,700.00
I-7-10	Mothers' Pension Commission	350.00	350.00
I-12	Indust. School for Colored Girls	882.00	882.00
I-16	Delaware Comm. for Feeble- minded	1,500.00	1,500.00
I-17	Ferris Industrial School	1,450.00	1,450.00
J-1	University of Delaware, Gen. Admin.	7,500.00	7,500.00
J-2	University of Delaware, Chair of History	125.00	125.00
J-2½	University of Delaware, Chair of Phys. Ed.	192.00	192.00
J-3	University of Delaware, Sum- mer School	375.00	375.00
J-7	University of Delaware, Exper- iment Sta.	650.00	650.00
J-8	University of Delaware, Poult. & Entomol.	200.00	200.00
J-9	State College Colored Students	900.00	900.00
K-1	State Bd. of Agriculture, Gen. Admin.	360.00	360.00
K-3	State Bd. of Agriculture, Lab- oratory	500.00	500.00
K-6	State Bd. of Agriculture, Bu- reau of Markets	260.00	260.00
K-7	State Bd. of Agriculture, Poul- try Diseases	475.00	475.00
K-8	State Bd. of Agriculture, Cattle Tuberc.	375.00	375.00
K-11	State Bd. of Agriculture, Plant Path.	120.00	120.00
K-14	State Bd. of Agriculture, Apple Grading	110.00	110.00
K-17	State Forestry Dept., Gen. Admin.	300.00	300.00
L-1-4	Labor Comm. of Delaware ...	50.00	50.00

APPROPRIATIONS, SALARY RESTORATION

L-13	Board of Boiler Rules	225.00	225.00
L-18	Industrial Accident Board	300.00	300.00
L-19-21	National Guard, Gen. Admin.	300.00	300.00
L-22	State Rifle Range	100.00	100.00
N-1	State Library Comm.	250.00	250.00
O-1	Public Archives Comm.	260.00	260.00
		<hr/>	<hr/>
	TOTAL	\$ 40,304.00	\$ 40,304.00

Approved April 18, 1935.

CHAPTER 44

APPROPRIATIONS

EXPENSES OF MOTOR VEHICLE DEPARTMENT

AN ACT AUTHORIZING AND DIRECTING THE STATE TREASURER TO PAY OUT OF THE STATE HIGHWAY FUND ANY APPROPRIATION THAT MAY HEREAFTER BE MADE FOR THE OPERATION AND MAINTENANCE OF THE MOTOR VEHICLE DEPARTMENT OF THE STATE OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That for the fiscal year beginning July 1st, 1935, and ending June 30th, 1936, and for the fiscal year beginning July 1st, 1936, and ending June 30th, 1937, the State Treasurer be and he hereby is authorized and directed to pay out of the funds of the Highway Department of the State of Delaware such sum or sums of money as may be fixed and appropriated by the General Assembly, for the operation and maintenance of the Motor Vehicle Department of the State of Delaware.

Approved February 18, 1935.

CHAPTER 45

APPROPRIATIONS

OLD AGE WELFARE COMMISSION

AN ACT TO PROVIDE FUNDS FOR THE STATE OLD AGE WELFARE COMMISSION FOR RELIEF OF INDIGENT PERSONS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That there is hereby appropriated out of the General Funds in the State Treasury the sum of Ten Thousand Dollars (\$10,000.00) for the current fiscal year ending June 30th, 1935, and the sums of Fifteen Thousand Dollars (\$15,000.00) each for the fiscal years ending June 30th, 1936, and June 30th, 1937, for the use of indigent persons requiring public relief, as provided by the latter part of Section 6 of Chapter 189, Vol. 37, Delaware Laws.

Section 2. That the moneys expended by the State Old Age Welfare Commission for such relief shall be a charge against the counties of the State, apportioned according to the residence of the persons receiving the same, and the payment of such expenditures, and the reimbursement by the State to the counties of one-half of the amount expended, shall be according to Sections 11 and 12 of said Chapter 189, Vol. 37 Delaware Laws.

Approved February 28, 1935.

CHAPTER 46

APPROPRIATIONS, HOSPITALS IN THE STATE

AN ACT APPROPRIATING MONEYS TO CERTAIN HOSPITALS
IN THE STATE OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of the members of each House concurring therein):

Section 1. There is hereby appropriated for the maintenance, equipment and operation of the hospitals hereinafter mentioned for each of the fiscal years beginning July 1, 1935, and July 1, 1936, the following sums of money:

To Kent General Hospital at Dover	\$ 7,525.00
To Milford Emergency Hospital at Milford	7,350.00
To Beebe Hospital at Lewes, Incorporated	9,800.00
To Homeopathic Hospital Association of Delaware, at Wilmington	28,875.00
To St. Francis Hospital at Wilmington	13,125.00
To the Delaware Hospital in the City of Wilmington...	32,725.00
To Wilmington General Hospital Association, at Wil- mington	20,125.00

Each of said appropriations shall be paid to said respective hospitals on the first day of July, 1935, and on the first day of July, 1936.

Section 2. This Act shall be known as a Supplementary Appropriation Act, and the funds hereby appropriated shall be paid from the general funds of the State Treasury not otherwise appropriated, in accordance with the provisions of this Act.

Approved March 22, 1935.

CHAPTER 47

APPROPRIATIONS, KENT AND SUSSEX FAIR

AN ACT APPROPRIATING CERTAIN MONEYS TO KENT AND SUSSEX COUNTY FAIR, INCORPORATED, FOR PRIZES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each Branch concurring therein):

Section 1. That the sum of Seven Thousand Dollars (\$7,000.00) is hereby appropriated out of the Treasury of the State of Delaware to the "Kent and Sussex County Fair, Incorporated," a corporation of the State of Delaware, for the fiscal year beginning July 1, 1935, and ending June 30, 1936, and a like sum of Seven Thousand Dollars (\$7,000.00) for the fiscal year beginning July 1, 1936, and ending June 30, 1937. Said appropriation shall be used and expended only for prizes for meritorious achievements in agriculture, stock and poultry raising, and in works of manual training and the domestic arts. Such prizes shall be awarded by a Committee, one member of which shall be named by the Governor from the personnel of the State Board of Agriculture, and the remaining members shall be named by the Kent and Sussex County Fair, Incorporated. Said corporation shall on or before the first day of December in each of said fiscal years, file with the State Auditor a sworn itemized statement showing the name of each person to whom a prize has been awarded, for what each prize was awarded and the amount of each prize, and showing also the grand total of said prizes, which statement shall be sworn to and signed before a Notary Public, by both the President and Treasurer of said corporation; when said statement shall have been audited by the State Auditor and found to be true and correct and according to law he shall authorize and direct the State Treasurer to pay to said corporation in each of said fiscal years the total sum shown to be due for prizes by said itemized list, provided, however, said sum shall not exceed Seven Thousand Dollars (\$7,000.00) for each of said years and should said sum be less than the amount appropriated by this Act, then the unused

. APPROPRIATIONS, KENT AND SUSSEX FAIR

balance shall each year remain in and revert to the State Treasury and shall in no case be paid to said corporation.

Section 2. That this Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury, not otherwise appropriated.

Approved March 22, 1935.

CHAPTER 48

APPROPRIATIONS, FIRE COMPANIES IN THE STATE

AN ACT APPROPRIATING MONEY TO CERTAIN FIRE COMPANIES IN THE STATE OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all members elected to each Branch concurring therein):

Section 1. That to each and every Fire Company in the State of Delaware, outside the limits of the City of Wilmington, which was, on the first day of January, A. D. 1935, and is now, duly organized and equipped for the fighting of fires, there is hereby appropriated the sum of Five Hundred Dollars annually for each of the years 1935 and 1936, to be used in the maintenance of apparatus and equipment.

The said sum of Five Hundred Dollars shall be paid by the State Treasurer to each of the said Fire Companies on the first day of July of each of the said years 1935 and 1936.

Section 2. That this Act shall be known as a Supplementary Appropriation Act and the Funds hereby appropriated shall be paid out of the General Funds of the State Treasury not otherwise appropriated.

Approved March 22, 1935.

CHAPTER 49

APPROPRIATIONS

DELAWARE INDUSTRIAL SCHOOL FOR GIRLS

AN ACT APPROPRIATING MONEY TO THE DELAWARE INDUSTRIAL SCHOOL FOR GIRLS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all members elected to each Branch concurring therein):

Section 1. That the sum of Seventy Thousand and Six Hundred and Ninety-six Dollars (\$70,696.00) be and the same is hereby appropriated to the Delaware Industrial School for Girls, for salaries and wages and for operation.

The said sum shall be paid to the said School in two equal annual payments of Thirty-five Thousand and Three Hundred and Forty-eight Dollars (\$35,348.00) for the years ending June 30th, 1936, and June 30th, 1937.

Section 2. That this Act shall be known as a Supplementary Appropriation Act and the Funds hereby appropriated shall be paid out of the General Funds of the State Treasury not otherwise appropriated.

Approved March 22, 1935.

CHAPTER 50

APPROPRIATIONS

DELAWARE COMMISSION FOR THE BLIND

AN ACT APPROPRIATING MONEY TO THE DELAWARE COMMISSION FOR THE BLIND.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the sum of Twenty-four Thousand and Three Hundred Dollars (\$24,300.00) be and the same is hereby appropriated to the Delaware Commission for The Blind for salaries and wages and operation and general expenses.

The said sum shall be paid to the said Commission in two annual payments of Twelve Thousand and One Hundred and Fifty Dollars (\$12,150.00) each, for the years ending June 30th, 1936, and June 30th, 1937.

Section 2. That this Act, shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved March 22, 1935.

CHAPTER 51

APPROPRIATIONS, CHILDREN'S BUREAU

AN ACT MAKING AN APPROPRIATION TO CHILDREN'S BUREAU OF DELAWARE FOR MAINTENANCE OF CHILDREN WITHIN THE STATE OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of the members of each Branch thereof concurring therein):

Section 1. That the sum of Forty-eight Thousand (\$48,000.00) Dollars be, and the same is hereby appropriated to Children's Bureau of Delaware for the maintenance of children within the State of Delaware.

The said sum of Forty-eight Thousand (\$48,000) Dollars shall be paid in two equal annual installments of Twenty-four Thousand (\$24,000) Dollars each, payable respectively for the years 1935 and 1936.

Section 2. This Act shall be known as a Supplementary Appropriation Act, and the funds hereby appropriated shall be paid out of the general funds of the State Treasury not otherwise appropriated.

Approved March 22, 1935.

CHAPTER 52

APPROPRIATIONS

LAYTON HOME FOR AGED COLORED PEOPLE

AN ACT APPROPRIATING MONEY TO LAYTON HOME FOR AGED COLORED PEOPLE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each Branch thereof concurring therein):

Section 1. That the sum of Twenty-seven Hundred Dollars (\$2700.00) be and the same is hereby appropriated to the Layton Home for Aged Colored People, for operation expenses.

The said sum of Twenty-seven Hundred Dollars (\$2700.00) shall be paid to the said Home, in two annual installments of Thirteen Hundred and Fifty Dollars (\$1350.00) each for the years 1935 and 1936.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved March 22, 1935.

CHAPTER 53

APPROPRIATIONS

ST. MICHAELS HOME FOR BABIES

AN ACT APPROPRIATING MONEY TO ST. MICHAEL'S HOME
FOR BABIES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each branch thereof concurring therein):

Section 1. That the sum of Eighteen Thousand Dollars (\$18,000) be and the same is hereby appropriated to the St. Michael's Home for Babies, for operation and for repairs and replacements, and for salaries and wages.

The said sum of Eighteen Thousand Dollars (\$18,000) shall be paid to the said St. Michael's Home for Babies in two annual installments of Nine Thousand Dollars (\$9,000) each, for the years 1936 and 1937.

Section 2. That this Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Funds of the State Treasury not otherwise appropriated.

Approved March 22, 1935.

CHAPTER 54

APPROPRIATIONS, SPANISH WAR VETERANS

AN ACT APPROPRIATING MONEY TO THE UNITED SPANISH
WAR VETERANS OF THE STATE OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each house agreeing thereto):

Section 1. That the sum of One Thousand Dollars (\$1,000.00) be and the same is hereby appropriated to the United Spanish War Veterans of the State of Delaware, for operation expenses. The said sum shall be paid in two equal annual payments of Five Hundred Dollars (\$500.00) each, to the duly elected Finance Officer of the said United Spanish War Veterans of the State of Delaware, upon warrants signed by the said Finance Officer and approved by the Auditor of Accounts.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved March 22, 1935.

CHAPTER 55

APPROPRIATIONS

DAVID C. HARRISON POST, NO. 14, INC.

AN ACT AUTHORIZING THE LEVY COURT OF KENT COUNTY TO APPROPRIATE COUNTY MONIES TO DAVID C. HARRISON POST NO. 14, INC., AMERICAN LEGION, FOR THE MAINTENANCE OF AMBULANCE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Levy Court of Kent County shall be and is hereby authorized to appropriate public monies toward the maintenance of the ambulance furnished by David C. Harrison Post, No. 14, Inc., American Legion, at Smyrna, for the benefit of residents of Kent County in amount of three hundred dollars per year.

Approved March 22, 1935.

CHAPTER 56
APPROPRIATIONS

STATE COLLEGE FOR COLORED STUDENTS

AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE
AND REPLACEMENT OF CATTLE DISPOSED OF BY THE
STATE COLLEGE FOR COLORED STUDENTS ON ACCOUNT
OF BANG'S DISEASE.

WHEREAS, It became necessary to dispose of the herd of cattle at the State College for Colored Students, on account of Bang's Disease, thus depriving the Boarding Department of that institution of its milk supply which is not only essential but indispensable, therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the sum of nine hundred dollars (\$900.00) be, and the same is hereby appropriated for the purchase and replacement of cattle at the State College for Colored Students.

Section 2. That this Act shall be taken and deemed to be a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved March 25, 1935.

CHAPTER 57

APPROPRIATIONS

DELAWARE CHILDREN'S HOME SOCIETY

AN ACT APPROPRIATING CERTAIN MONEY TO DELAWARE CHILDREN'S HOME SOCIETY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each Branch thereof concurring therein):

Section 1. That the sum of Seven Thousand Dollars (\$7,000.00) be and the same is hereby appropriated to the Delaware Children's Home Society to be used for operation expenses of said society.

The said sum of Seven Thousand Dollars (\$7,000.00) shall be paid to the said society, in two annual installments of Thirty-five Hundred Dollars (\$3,500.00) each, for the years 1935 and 1936.

Section 2. That this Act shall be known as a supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved March 25, 1935.

CHAPTER 58

APPROPRIATIONS, AMERICAN LEGION

AN ACT APPROPRIATING MONEY TO THE AMERICAN LEGION, DEPARTMENT OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each house agreeing thereto):

Section 1. That the sum of Four Thousand Dollars (\$4,000.00) be and the same is hereby appropriated to the American Legion, Department of Delaware, for operation expenses. The said sum shall be paid by the State Treasurer in two equal annual payments of Two Thousand Dollars (\$2,000.00) each, to the duly elected Finance Officer of the American Legion, Department of Delaware, upon warrants signed by the said Finance Officer and approved by the Auditor of Accounts.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved March 25, 1935.

CHAPTER 59

APPROPRIATIONS, DELAWARE COMMANDER, G. A. R.

AN ACT APPROPRIATING MONEY TO THE DELAWARE COMMANDER, G. A. R., OF THE STATE OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each house agreeing thereto):

Section 1. That the sum of Two Thousand Dollars (\$2,000.00) be and the same is hereby appropriated to the Delaware Commander, G. A. R. of the State of Delaware for operation expenses. The said sum shall be paid by the State Treasurer in two equal annual payments of One Thousand Dollars (\$1,000.00) each, to the duly elected Finance Officer of the said Delaware Commander, G. A. R. of the State of Delaware, upon warrants signed by the said Finance Officer and approved by the Auditor of Accounts.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved March 25, 1935.

CHAPTER 60

APPROPRIATIONS, VETERANS OF FOREIGN WARS

AN ACT APPROPRIATING MONEY TO THE VETERANS OF
FOREIGN WARS OF THE STATE OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each house agreeing thereto):

Section 1. That the sum of Three Thousand Dollars (\$3,000.00) be and the same is hereby appropriated to the Veterans of Foreign Wars of the State of Delaware for operation expenses. The said sum shall be paid by the State Treasurer in two equal annual payments of fifteen hundred dollars (\$1,500.00) each, to the duly elected Finance Officer of the Veterans of Foreign Wars of the State of Delaware, upon warrants signed by the said Finance Officer and approved by the Auditor of Accounts.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved March 27, 1935.

CHAPTER 61

APPROPRIATIONS, TAXPAYERS RESEARCH LEAGUE

AN ACT MAKING AN APPROPRIATION FOR THE SURVEY OF COUNTY GOVERNMENT AND TAXATION IN THE THREE COUNTIES OF DELAWARE.

WHEREAS, the one hundred and third session of the General Assembly of the State of Delaware authorized a survey of county government and taxation in the three counties of Delaware, to be made under the direction of the Governor, a report thereof with such recommendations as the Governor might deem advisable to be transmitted to the present session of the General Assembly; and

WHEREAS, the one hundred and third session of the General Assembly appropriated the sum of One Thousand Dollars to defray the cost of this survey; and,

WHEREAS, this sum proved insufficient to defray the cost thereof; now therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the sum of Five Thousand Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the General Fund of the State of Delaware for the purpose of defraying the additional costs of the survey of county government and taxation in the three counties of the State.

Section 2. The said sum of Five Thousand Dollars so appropriated shall be paid by the State Treasurer from the General Fund upon vouchers approved by the Governor.

Section 3. This Act shall be known as a "Supplementary Appropriation Bill."

Approved April 12, 1935.

CHAPTER 62

APPROPRIATIONS, BRANDYWINE SANITORIUM

AN ACT APPROPRIATING CERTAIN MONEY TO THE BRANDYWINE SANITORIUM.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the sum of One Hundred and Fifty Thousand Dollars (\$150,000.00), be and the same is hereby appropriated to the Brandywine Sanitorium to be expended as follows:

50 beds @ \$2,500.00	\$125,000.00
Sewage	4,000.00
Staff Quarters	6,000.00
Nurses Home Alteration	5,000.00
Maintenance	10,000.00
	<hr/>
	\$150,000.00

Section 2. That this Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid to the said Sanitorium by the State Treasurer, upon warrant or warrants according to law, out of the Special Fund, at the Farmers' Bank of the State of Delaware, at Dover, consisting of money received from the sale of bonds authorized by an Act of the General Assembly of the State of Delaware, entitled, "AN ACT AUTHORIZING THE BORROWING OF MONEY AND THE CREATION OF A DEBT BY OR IN BEHALF OF THE STATE OF DELAWARE, FOR THE ERECTION, REPAIRS AND IMPROVEMENTS OF BUILDINGS AT INSTITUTIONS OF THE STATE, AND THE ISSUANCE OF BONDS THEREFOR", approved

A. D. 1935.

Approved April 12, 1935.

CHAPTER 63

APPROPRIATIONS

STATE COLLEGE FOR COLORED STUDENTS

AN ACT APPROPRIATING CERTAIN MONEY TO THE STATE COLLEGE FOR COLORED STUDENTS.

WHEREAS, The present sewage disposal plant at the State College for Colored Students consists only of an Imhoff tank and chlorinator, thus providing for but partial treatment of sewage; and

WHEREAS, This partially treated sewage is discharged into Silver Lake, which is the only available outlet therefor, and which is used as a bathing resort by many children of the City of Dover and the surrounding community; and

WHEREAS, This condition is extremely embarrassing and objectionable to both the school and the community; and

WHEREAS, There is very great need of teachers cottages for the accommodation of teachers at said College; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the sum of eight thousand dollars (\$8,000.00) be, and the same is hereby appropriated for the necessary alteration, repairs, extension and construction of a more suitable and adequate sewage disposal plant and for the erection of a Teacher's Cottage at the State College for Colored Students.

Section 2. That this Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid to the said College by the State Treasurer, upon warrant or warrants according to law, out of the Special Fund, at the Farmers' Bank of the State of Delaware, at Dover, consisting of money received from the sale of bonds authorized by an Act of the General

APPROPRIATIONS, STATE COLLEGE FOR COLORED STUDENTS

Assembly of the State of Delaware, entitled, "AN ACT AUTHORIZING THE BORROWING OF MONEY AND THE CREATION OF A DEBT BY OR IN BEHALF OF THE STATE OF DELAWARE, FOR THE ERECTION, REPAIRS AND IMPROVEMENTS OF BUILDINGS AT INSTITUTIONS OF THE STATE, AND THE ISSUANCE OF BONDS THEREFOR", approved
A. D. 1935.

Approved April 12, 1935.

CHAPTER 64

APPROPRIATIONS

DELAWARE INDUSTRIAL SCHOOL FOR GIRLS

AN ACT APPROPRIATING CERTAIN MONEY TO THE DELAWARE INDUSTRIAL SCHOOL FOR GIRLS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each branch thereof concurring therein):

Section 1. That the sum of Seven Thousand Dollars (\$7,000.00) be and the same is hereby appropriated to the Delaware Industrial School for Girls, for the purpose of repairing and improving portions of the buildings of the said School.

Section 2. That this Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid to the said School by the State Treasurer, upon warrant or warrants according to law, out of the Special Fund, at the Farmers' Bank of the State of Delaware, at Dover, consisting of money received from the sale of bonds authorized by an Act of the General Assembly of the State of Delaware, entitled, "AN ACT AUTHORIZING THE BORROWING OF MONEY AND THE CREATION OF A DEBT BY OR IN BEHALF OF THE STATE OF DELAWARE, FOR THE ERECTION, REPAIRS AND IMPROVEMENTS OF BUILDINGS AT INSTITUTIONS OF THE STATE, AND THE ISSUANCE OF BONDS THEREFOR", approved
A. D. 1935.

Approved April 12, 1935.

CHAPTER 65

APPROPRIATIONS

SERVICE BUREAU FOR FOREIGN BORN RESIDENTS

AN ACT AUTHORIZING AN APPROPRIATION FOR THE SERVICE BUREAU FOR FOREIGN BORN RESIDENTS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the sum of Forty-five Hundred (\$4500.00) Dollars per annum for each of the two years beginning July 1, 1935, and July 1, 1936, be and is hereby appropriated out of the General Fund of the State, not otherwise appropriated, for the purpose of assisting the State Board of Education through its already established bureau to employ such methods, subject to existing law, as will best serve the process of Americanizing the residents and citizens of the State of Delaware who are of foreign origin, and will tend to protect them from exploitation and injustice.

Section 2. This Act shall be known as a supplementary appropriation act to take effect on July 1, 1935.

Approved April 15, 1935.

CHAPTER 66

APPROPRIATIONS, STATE HIGHWAY DEPARTMENT

AN ACT TO APPROPRIATE MONEYS TO THE STATE HIGHWAY DEPARTMENT FOR THE IMPROVEMENT OF THE NATIONAL GUARD CAMP SITE AT BETHANY BEACH.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the sum of Three Thousand Dollars (\$3000.00) be and the same is hereby appropriated to the State Highway Department for the purpose of grading and graveling the National Guard Camp Site at Bethany Beach, Sussex County, Delaware, and eliminating the unhealthy conditions existing thereat.

Section 2. That this Act shall be taken and deemed to be a Supplementary Appropriation Act and the money hereby appropriated shall be paid to the State Highway Department out of the general fund, and the State Treasurer is hereby authorized and directed to pay the same forthwith.

Approved April 15, 1935.

CHAPTER 67

APPROPRIATIONS, INDIAN RIVER INLET

AN ACT PROVIDING FOR THE PAYMENT OF A PORTION OF THE COSTS BY THE STATE HIGHWAY DEPARTMENT OF THE CONSTRUCTION OF AN IMPROVED INLET INTO THE INDIAN RIVER AND REHOBOTH BAYS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That there is hereby appropriated to the State Highway Department, of the State of Delaware, for the purpose of this Act, the sum of One Hundred Thousand Dollars (\$100,000.00), which said sum, together with the sum of Ten Thousand Dollars (\$10,000.00), which the Levy Court of Sussex County, Delaware, is hereby authorized and fully empowered and directed to pay to the State Treasurer of the State of Delaware, immediately upon the written request of the said State Highway Department, to be deposited by him to the credit of the said State Highway Department, for the purpose of this Act, making in all a total sum of One Hundred and Ten Thousand Dollars (\$110,000.00), or so much of said total sum as shall be found necessary, shall be paid by the State Treasurer, upon warrant of the said State Highway Department, to the Government of the United States of America, represented by the District Engineer, Corps of Engineers, U. S. Army, Philadelphia, Pa., when the project for which these funds are intended has been authorized by the Congress of the United States, or included in any program of the President of the United States as an emergency project, and when the said District Engineer, Corps of Engineers, U. S. Army, Philadelphia, Pa., has been authorized to undertake, upon federally approved plans and specifications, the construction of the inlet, jetties, approaches and/or other necessary works incident to this project, to be located between the Atlantic Ocean and Indian River and Rehoboth Bay.

Section 2. That in the event the above project is authorized and undertaken, the State of Delaware will provide, free of cost to the United States, suitable rights of way and/or other land re-

APPROPRIATIONS, INDIAN RIVER INLET

quired. That, in the event that any land belonging to the State of Delaware is required for said work, the Governor and the Secretary of State, of the State of Delaware, are hereby authorized and fully empowered to execute, acknowledge and deliver, free of cost to the United States of America, proper deed or deeds of conveyance, conveying to the said United States of America a good, marketable, fee simple title thereto.

Section 3. That this Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid by the State Treasurer, in accordance with the provisions of Section 1 of this Act, out of the Special Fund, at the Farmers' Bank of the State of Delaware, at Dover, consisting of money received from the sale of bonds authorized by an Act of the General Assembly of the State of Delaware, entitled, "AN ACT AUTHORIZING THE BORROWING OF MONEY AND THE CREATION OF A DEBT BY OR IN BEHALF OF THE STATE OF DELAWARE, FOR THE ERECTION, REPAIRS AND IMPROVEMENTS OF BUILDINGS AT INSTITUTIONS OF THE STATE, AND FOR THE PAYMENT OF A PORTION OF THE COST OF CONSTRUCTION OF THE INLET WITH THE INDIAN RIVER AND REHOBOTH BAYS, AND THE ISSUANCE OF BONDS THEREFOR," approved _____, A. D. 1935.

Approved April 18, 1935.

CHAPTER 68
APPROPRIATIONS

DELAWARE COMMISSION FOR THE FEEBLE-MINDED

AN ACT APPROPRIATING CERTAIN MONEY TO THE DELAWARE COMMISSION FOR THE FEEBLE-MINDED FOR A SEWAGE DISPOSAL PLANT AND COTTAGES, AT STOCKLEY, DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the sum of Seventy-five Thousand Dollars (\$75,000.00) be and the same is hereby appropriated to the Delaware Commission for the Feeble-minded, for the building of a sewage disposal plant and cottages, at Delaware Colony, Stockley, Sussex County, Delaware.

Section 2. That this Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid to the said Commission by the State Treasurer, upon warrant or warrants according to law, out of the Special Fund, at the Farmers Bank of the State of Delaware, at Dover, consisting of money received from the sale of bonds authorized by an Act of the General Assembly of the State of Delaware, entitled, "AN ACT AUTHORIZING THE BORROWING OF MONEY AND THE CREATION OF A DEBT BY OR IN BEHALF OF THE STATE OF DELAWARE, FOR THE ERECTION, REPAIRS AND IMPROVEMENTS OF BUILDINGS AT INSTITUTIONS OF THE STATE, AND THE ISSUANCE OF BONDS THEREFOR", approved
A. D. 1935.

Approved April 18, 1935.

CHAPTER 69

APPROPRIATIONS, STATE WELFARE HOME

AN ACT APPROPRIATING CERTAIN MONEY TO THE STATE WELFARE HOME, AT SMYRNA, DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the sum of Fifty Thousand Dollars (\$50,000.00) be and the same is hereby appropriated to the State Welfare Home, at Smyrna, Kent County, Delaware, for a new laundry and kitchen at the said Home.

Section 2. That this Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid to the said Home by the State Treasurer, upon warrant or warrants according to law, out of the Special Fund, at the Farmers Bank of the State of Delaware, at Dover, consisting of money received from the sale of the bonds authorized by an Act of the General Assembly of the State of Delaware, entitled, "AN ACT AUTHORIZING THE BORROWING OF MONEY AND THE CREATION OF A DEBT BY OR IN BEHALF OF THE STATE OF DELAWARE, FOR THE ERECTION, REPAIRS AND IMPROVEMENTS OF BUILDINGS AT INSTITUTIONS OF THE STATE, AND THE ISSUANCE OF BONDS THEREFOR", approved A. D. 1935.

Approved April 18, 1935.

CHAPTER 70
APPROPRIATIONS

BURIAL OF INDIGENT SOLDIERS, SAILORS AND MARINES

AN ACT APPROPRIATING MONEY FOR THE PAYMENT OF CERTAIN OUTSTANDING AND UNPAID BILLS OF CERTAIN UNDERTAKERS FOR THE BURIAL OF CERTAIN INDIGENT SOLDIERS, SAILORS AND MARINES.

WHEREAS, prior to September 1934, there have been twenty-five deaths of indigent soldiers, sailors and marines, the burial expenses for each of whom, amounting to the sum of One Hundred Dollars (\$100.00), have not been paid, but would have been paid by warrants upon the State Treasury, in accordance with 3473. Sec. 38. and 3474. Sec. 39. of the Revised Code of Delaware 1915, as amended by Chapter 207 of Volume 35, and Chapter 189 of Volume 38, Laws of Delaware, except for the reason that the total amount of the appropriation for such purpose was exhausted; and

WHEREAS, certain undertakers of this State very generously volunteered to bury the said soldiers, sailors and marines, and agreed to wait for the payment of their respective claims for such services, until such time as the General Assembly would appropriate sufficient money for such purpose, said claims being twenty-five in all, at one hundred dollars each, and amounting to the total sum of twenty-five hundred dollars (\$2500.00).

Therefore, be it enacted, by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the sum of twenty-five hundred dollars (\$2500.00) be and the same is hereby appropriated for the purpose of paying each and all of the said claims of the said undertakers for the burial of the said soldiers, sailors and marines, at one hundred dollars each, in accordance with the provisions of 3473. Sec. 38. and 3474. Sec. 39. of the Revised Code of Delaware 1915, as

APPROPRIATIONS

BURIAL OF INDIGENT SOLDIERS, SAILORS AND MARINES

amended as aforesaid; provided, that no payments shall be made in accordance with the requirements of this Section except and until the Secretary of State has given his approval thereto in writing.

Section 2. That this Act shall be taken to be a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved May 1, 1935.

CHAPTER 71

APPROPRIATIONS

INLET FROM DELAWARE BAY INTO LEWES AND
REHOBOTH CANAL

AN ACT PROVIDING FOR THE PAYMENT OF A PORTION OF THE COST BY THE STATE OF DELAWARE OF THE CONSTRUCTION OF A MUCH NEEDED INLET FROM THE DELAWARE BAY INTO THE LEWES AND REHOBOTH CANAL AT LEWES, DELAWARE, WITH AT LEAST SIX FEET OF WATER AT MEAN LOW TIDE AND JETTIED ON BOTH SIDES FROM THE SHORE LINE OUT INTO THE DELAWARE BAY.

WHEREAS, Chapter 29 of Volume 37 of the Laws of Delaware, appropriated out of the General Funds of the State Treasury the sum of Sixty Thousand Dollars (\$60,000.00) for the building of Piers, Wharves and Docks at Lewes, Delaware; and

WHEREAS, no such Piers, Wharves and Docks have been built, and

WHEREAS, it appears from communications received that the people of Lewes and many others have for sometime been working very hard with the Board of Engineers for Rivers and Harbors at Washington, D. C., to secure a proper inlet from the Delaware Bay into the Lewes and Rehoboth Canal at Lewes, and

WHEREAS, communications have also been received from the Chief of Engineers of the War Department, Washington, D. C., through Senator John G. Townsend, Jr., February 28th, 1934, that the Federal Government feels that the State of Delaware should pay a portion of the cost of the construction of the proposed inlet or channel in lieu of the local benefits therefrom, therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

APPROPRIATIONS, INLET FROM DELAWARE BAY INTO LEWES
AND REHOBOTH CANAL

Section 1. That the Treasurer of the State of Delaware be and is hereby authorized and empowered to expend from the general funds of the State of Delaware, not otherwise appropriated, the sum of Sixty Thousand Dollars (\$60,000.00) for the purpose of paying such portion of the construction of a proper inlet from the Delaware Bay into the Lewes and Rehoboth Canal at Lewes, Delaware, to the depth of at least six feet at mean low water and jettied on both sides from the shore line out in the Delaware Bay, within the next two years and so advise the Chief of Engineers of the War Department, Washington, D. C., that the said amount of Sixty Thousand Dollars (\$60,000.00) has been made available for the above purpose by the State of Delaware and will be paid over to the Federal Government as soon as the Board of Engineers will decide to construct and start work on this project.

Approved May 1, 1935.

CHAPTER 72

APPROPRIATIONS

PALMER HOME, INCORPORATED

AN ACT APPROPRIATING CERTAIN MONEY TO PALMER HOME, INCORPORATED.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each branch thereof concurring therein):

Section 1. That the sum of Five Thousand and Eight Hundred Dollars (\$5,800.00), be and the same is hereby appropriated to Palmer Home, Incorporated, a corporation of the State of Delaware, for the maintenance and support of the Old Folk's Home at Dover.

The said sum of Five Thousand and Eight Hundred Dollars (\$5,800.00) shall be paid in two annual installments of twenty-nine Hundred Dollars (\$2,900.00) each, for the years of 1935 and 1936.

Section 2. That this Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Funds of the State Treasury not otherwise appropriated.

Approved March 22, 1935.

Title Four

Public Arms and Defense

CHAPTER 73

CLERKS IN OFFICE OF ADJUTANT GENERAL

AN ACT TO AMEND CHAPTER 8 OF THE REVISED CODE OF DELAWARE AS AMENDED BY CHAPTER 31, VOLUME 35, LAWS OF DELAWARE, RELATING TO THE PUBLIC ARMS AND DEFENSE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 8 of the Revised Code of Delaware as amended by Chapter 31, Volume 35, Laws of Delaware, be and the same is hereby amended by the addition of the following new paragraph to Section 5 of the said Chapter 31, Volume 35, Laws of Delaware.

The Adjutant General shall designate two individuals of the clerical force of his office as Service Officer and Assistant Service Officer, whose duties shall be to assist any residents of the State of Delaware, who have served in the armed forces of the United States in any war in which said armed forces have been engaged, their wives, children, or dependents, in adjusting their claims with the Government arising from participation of said residents in such war.

For the purpose of compensating the clerks in the Adjutant General's office for the additional duties imposed upon them and for expenses necessary to carrying into effect the provisions of this Act, there is hereby appropriated the sum of Five Hundred Dollars (\$500.00) annually, to be paid out of the general fund by the State Treasurer on warrants of the Adjutant General when approved by the Governor.

Approved May 1, 1935.

Title Five

Legislation

CHAPTER 74

REVISED CODE OF 1935

AN ACT IN REFERENCE TO THE PROPOSED REVISED CODE OF DELAWARE, 1935.

WHEREAS, the Revised Code Commission appointed under the provisions of the Act of the General Assembly of the State of Delaware entitled "An Act Providing for the Appointment of a Commission to Revise the Public Laws of the State of Delaware and Codify and Arrange the Same", approved April 29, 1931, being Chapter 38 of Volume 37 Laws of Delaware, as amended, has made report to the General Assembly, at its present session, that it has completed its work and showing the work as completed; and

WHEREAS, it is desired that there shall be included in said work all laws of a public and general nature that shall become statutes of this State through enactment at the present session of the General Assembly;

Now therefore, be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the codification and arrangement of the Laws of the State of Delaware made by the Commission appointed under the provisions of the Act of the General Assembly of the State of Delaware entitled "An Act Providing for the Appointment of a Commission to Revise the Public Laws of the State of Delaware and Codify and Arrange the Same", approved April 29, 1931, being Chapter 38 of Volume 37, Laws of Delaware, as amended, and set forth in the report of said Commission to the present session

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of the General Assembly, together with all laws of a public and general nature that shall become statutes of this State through enactment at the present session of the General Assembly, are intended to embrace the laws of the State of Delaware general and permanent in their nature in force on the first day of July, 1935, compiled into a single publication under the authority of the General Assembly of the State of Delaware and designated the "Revised Code of Delaware, 1935."

Section 2. That the matters set forth in the said Code when printed by authority of the General Assembly of this State shall establish prima facie the laws of this State general and permanent in their nature in force on the first day of July, 1935, but nothing in this Act shall be construed as repealing or amending any such laws, or as enacting as new law any matter contained in the Code. In case of any inconsistency arising through omission or otherwise between the provisions of any chapter of said Code and the corresponding portion of legislation heretofore enacted or enacted during the present session of the General Assembly, effect shall be given for all purposes whatsoever to such prior enactments and/or to the enactments at the present session of the General Assembly.

Section 3. That the Enactments at all future sessions of the General Assembly may be made and when practicable shall be made with reference to the said Revised Code and to conform to the arrangement of said Code, and a Statute purporting to alter, add to, amend, or repeal a specified chapter and/or section of the said Code shall be deemed and held to be of the same effect as if said statute had referred expressly to the specific statute intended to be altered, added to, amended or repealed.

Approved March 8, 1935.

CHAPTER 75

REVISED CODE OF 1935

AN ACT PROVIDING FOR THE PRINTING, INDEXING AND BINDING OF THE LAWS OF THE STATE OF DELAWARE AS CODIFIED AND ARRANGED BY THE REVISED CODE COMMISSION.

WHEREAS, The Revised Code Commission appointed under the provisions of the Act of the General Assembly of the State of Delaware, entitled: "An Act Providing for the Appointment of a Commission to Revise the Public Laws of the State of Delaware and Codify and Arrange the Same", approved April 29, 1931, being Chapter 38 of Volume 37, Laws of Delaware, as amended, has made report to the General Assembly, at its present Session, that it has completed its work and showing the work as completed; and

WHEREAS, the said Report has been accepted by Joint Resolution, duly adopted by the General Assembly, at its present Session, and the Original draft of the proposed Revised Code accompanying the said Report of the said Commission, by order of the General Assembly contained in the Joint Resolution, has been duly lodged in the office of the Secretary of State for safekeeping; and

WHEREAS, it is desired that the proposed Revised Code shall be printed, indexed and bound; and

WHEREAS, it is also desired that there shall be included in the said proposed Code all laws of a public and general nature that shall become statutes of this State through enactment at the present Session of the General Assembly.

Now therefore, be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the laws of the State of Delaware, as codified and arranged by the Revised Code Commission, and contained in the Original draft of the proposed Revised Code now by Order

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of the General Assembly lodged in the office of the Secretary of State for safe-keeping, together with all the laws of a public and general nature that shall become statutes of this State through enactment at the present Session of the General Assembly, shall be printed, indexed and bound under the supervision of the Secretary of State, by and with the approval of the Governor.

The Secretary of State, by and with the approval of the Governor, is hereby authorized and directed to take entire charge of, provide for and effect the said printing, indexing and binding. The said Secretary shall, upon such specifications and conditions as he and the Governor shall determine, duly and sufficiently advertise for bids for said printing and binding, and award the said printing and binding to the lowest responsible bidder therefor. Such bids shall be opened in the presence of bidders or their representatives who may choose to attend. The said Secretary shall have the right, in the interest of perfection of said printing, paper or binding, or in the interest of economy to the State, to reject any one or all of such bids, and, if occasion shall in his judgment require it, may readvertise for bids. The said Secretary is directed to make such selection of type for the said printing, as shall make a plainly and easily legible page and such a selection of paper as may be deemed to be best suited for the purpose.

The said Secretary shall also cause to be made a comprehensible and accurate index to the said Code, and number all the sections thereof, in blackfaced type, consecutively from the beginning to the end. The said Secretary, by and with the approval of the Governor, is authorized to employ such legal and clerical assistance, as shall be necessary, for the making of the said index and the proof reading of the said Code.

The said Secretary shall ascertain, in such manner as shall be reasonably available, how many copies of the said Code probably will be required, and the said Secretary is authorized to have printed such number of copies of the said Code as shall be found reasonably necessary, and cause the same to be bound in buckram or in sheep

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or in paper backed volumes, or in such other manner as the said Secretary and the Governor shall consider proper and necessary.

The said Secretary may fix a price per copy at which the said Code may be sold; provided that such price shall not be greater than the total cost per copy of printing, binding and delivering the said Code to the said Secretary.

The cost and expenses of said printing, proof-reading, indexing, and binding of the volumes of the said Code, and their delivery to the Secretary of State, including also the cost of incorporating in the said Code all laws of a public and general nature that shall become statutes of this State through enactment at the present session of the General Assembly, and all cost and expenses for legal and clerical assistance in connection therewith, shall be paid by the State Treasurer out of the General Fund of the State Treasury, upon warrants drawn, from time to time, signed by the Governor and the Secretary of State, and approved by the Auditor of Accounts.

Approved March 6, 1935.

CHAPTER 76

PRINTING OF HOUSE AND SENATE JOURNALS

AN ACT TO AMEND CHAPTER 10 OF THE REVISED CODE OF DELAWARE (1915), IN REFERENCE TO THE PRINTING OF THE LEGISLATIVE JOURNALS.

WHEREAS, during the One Hundred and Fourth and the One Hundred and Fifth General Assemblies of this State, the Secretary of the Senate and the Chief Clerk of the House, by authority and approval of the Senate and House respectively, have been preparing the Legislative Journals and having them printed, page by page, for each day of actual session of the General Assembly, and in the form now required by law and suitable for the bound volumes, as authorized by law to be printed and bound immediately after each biennial or special session of the General Assembly; and

WHEREAS, it will be a considerable saving to the State for the Secretary of State to make use of the printed pages of the Journals as printed from day to day for the Senate and House of Representatives as aforesaid;

Therefore, be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 10 of the Revised Code of Delaware (1915) be and the same is hereby amended by adding to 375, Sec. 10 thereof, the following paragraph:

Provided; nevertheless, that in the event that the respective journals of the Senate and House of Representatives are printed from day to day, as above stated, and the Secretary of State is satisfied that such printed pages are in proper form for the respective journals, as required to be printed and bound according to this Section, he may use the same for bound volumes required by this Section without the extra expense of reprinting.

Approved March 22, 1935.

CHAPTER 77

RECORDING PRIVATE ACTS

AN ACT TO REVIVE AND EXTEND THE TIME FOR RECORDING PRIVATE ACTS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each Branch thereof concurring therein):

Section 1. That all unpublished Acts heretofore passed that have become void on account of not being duly recorded in compliance with the provision of 374, Section 9 of Chapter 10, of the Revised Code of the State of Delaware, and that have not been repealed by special Act or become void by lapse of the time for which they were limited, be and the same are hereby severally renewed and re-enacted, together with the provisions therein contained, and the same are respectively declared to be in full force for the period mentioned in the original Acts and to have the same force and effect as if the said Acts had been severally recorded according to law, and all acts and transactions done and performed under the provisions of said Acts, and all property and other rights accrued thereunder, shall have the same force and effect and be as valid to all intents and purposes as if the said Acts had been severally recorded according to law, provided, that this enactment shall not take effect in the case of any Act that has become void as aforesaid, until a certified copy thereof shall be duly recorded in the Recorder's Office of one of the Counties of this State; and provided further, that no such copy of a void Act shall be received for record after the expiration of one year from the passage of this Act.

Section 2. That this Act shall be deemed and taken to be a public Act and shall be published as such.

Approved April 8, 1935.

Title Six

State Officers and Commissions

CHAPTER 78

PURCHASE OF AUTOMOBILES BY DEPARTMENTS, BOARDS OR COMMISSIONS

AN ACT RELATING TO THE PURCHASE OF PASSENGER MOTOR VEHICLES BY DEPARTMENTS, BOARDS OR COMMISSIONS OF THE STATE OF DELAWARE.

*Be it enacted by the Senate and House of Representatives of
the State of Delaware in General Assembly met:*

Section 1. On and after the passage and approval of this Act no Department, Board or Commission of the State of Delaware shall purchase any passenger motor vehicle to be used by such Department, Board or Commission for State purposes, whose initial cost shall exceed One Thousand Dollars (\$1,000.00), where the same is paid for out of State funds.

Approved February 25, 1935.

CHAPTER 79

EMPLOYEES OF STATE BOARDS, BUREAUS, COMMISSIONS
OR DEPARTMENTS

AN ACT MAKING IT UNLAWFUL FOR ANY BOARD, BUREAU, COMMISSION OR DEPARTMENT OF THE STATE OF DELAWARE, TO EMPLOY OR TO RETAIN UPON ITS PAYROLL, ANY PERSON WHO REFUSES OR NEGLECTS TO PAY ANY UNSECURED DEBT DULY CONTRACTED FOR BY SUCH PERSON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That, on and after the approval of this Act, it shall be unlawful for any Board, Bureau, Commission or Department of the State of Delaware, to employ, or to retain upon its payroll any person who refuses or neglects to make an effort to pay, by making regular partial payments, on any unsecured debt duly contracted for by such person, while in the employ of the State.

Section 2. Any person or persons refusing or neglecting to comply with, or violating, any of the provisions of this Act, shall thereafter be disqualified for membership or employment on any such Board, Bureau, Commission or Department.

Approved April 18, 1935.

CHAPTER 80

SALARIES OF STATE OFFICERS

AN ACT TO AMEND CHAPTER 12 OF THE REVISED CODE OF DELAWARE (1915) AND PROVIDING FOR THE MONTHLY PAYMENT OF SALARIES OF STATE OFFICIALS AND EMPLOYEES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 12 of the Revised Code of Delaware (1915) be and the same is hereby amended by repealing all of Paragraph 398, Sec. 10 thereof, and by inserting in lieu thereof the following paragraph and section to be styled 398. Sec. 10:

"398. Sec. 10. The salaries of State officials and employees shall be paid monthly on or before the last day of each calendar month by the payment of the statutory or stipulated monthly salary, or one-twelfth of the statutory or stipulated annual salary."

Approved February 28, 1935.

CHAPTER 81

SECRETARY OF STATE, SEAL OF OFFICE

AN ACT AUTHORIZING THE SECRETARY OF STATE TO PROCURE A NEW PRESS AND SEAL OF OFFICE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Secretary of State be and he is hereby authorized to procure for his office a new press and seal; said seal to be made of steel or brass, of the same diameter as the present seal and engraved with the same devices, and when completed, the said seal shall be taken, adjudged and deemed to be the seal of the Secretary of State, as provided by 388, Section 12, Chapter 11, of the Revised Statutes of 1915.

Section 2. That when the said seal shall be so procured, as aforesaid, the Secretary of State shall cause the present seal of the Secretary of State to be broken and destroyed in the presence of the Governor.

Approved January 30, 1935.

CHAPTER 82

SECRETARY OF STATE, TELEPHONE OPERATOR

AN ACT TO AMEND CHAPTER 39, VOLUME 35, LAWS OF DELAWARE, ENTITLED "AN ACT AUTHORIZING THE SECRETARY OF STATE TO EMPLOY A TELEPHONE OPERATOR."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 39, Volume 35, Laws of Delaware, be and the same is hereby amended by repealing all of said Chapter 39, Volume 35, Laws of Delaware.

Section 2. That from and after the passage of this Act the Secretary of State is hereby authorized and empowered to employ a telephone operator to operate the telephone exchange in the State House at Dover, Delaware, at a salary not exceeding Twelve Hundred Dollars (\$1,200.00) per year.

Section 3. The salary of the telephone operator so employed shall be paid in monthly payments by the State Treasurer out of monies not otherwise appropriated, upon approval of the Secretary of State.

Approved March 29, 1935.

CHAPTER 83

STATE TREASURER

MORTGAGES EXECUTED TO THE STATE OF DELAWARE

AN ACT CONCERNING THE MORTGAGES EXECUTED TO THE STATE OF DELAWARE BY THE JUNCTION AND BREAKWATER RAILROAD COMPANY AND THE BREAKWATER AND FRANKFORD RAILROAD COMPANY.

WHEREAS, The Philadelphia, Wilmington and Baltimore Railroad Company, the predecessor of the Philadelphia, Baltimore and Washington Railroad Company, paid to the State Treasurer, for the use of the State, the principal and interest as provided by Section 1, of the Act of the General Assembly, passed May 8, 1891, being Chapter 20 of Volume 19, Laws of Delaware, leaving a balance due of principal on the mortgage executed by The Junction and Breakwater Railroad Company to The State of Delaware of One Hundred and Eighty-five Thousand Dollars and a balance due of principal on the mortgage executed by The Breakwater and Frankford Railroad Company to The State of Delaware of Two Hundred Thousand Dollars, and

WHEREAS, there was due, on September 25th, 1934, of principal of the said mortgage of The Junction and Breakwater Railroad Company to The State of Delaware, the sum of One Hundred and Eighty-five Thousand Dollars and there was also due the sum of One Thousand Three Hundred and ten and 42/100 Dollars, accrued interest on the said mortgage aggregating the sum of One Hundred and Eighty-six Thousand Three Hundred and Ten and 42/100 Dollars, and

WHEREAS, there was due, on September 25th, 1934, of principal of the said mortgage of The Breakwater and Frankford Railroad Company to the State of Delaware, the sum of Two Hundred Thousand Dollars and there was also due the sum of Fourteen Hundred and Sixteen and 67/100 Dollars, accrued interest on the said mortgage, aggregating the sum of Two Hundred and One Thousand Four Hundred and Sixteen and 67/100 Dollars, and

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WHEREAS, the said The Philadelphia, Baltimore and Washington Railroad Company, on September 25th, 1934, paid to the State Treasurer, for the use of the State, the said sum of One Hundred and Eighty-six Thousand, Three Hundred and Ten and 42/100 Dollars the balance due of principal and accrued interest on the said mortgage of The Junction and Breakwater Railroad Company, and

WHEREAS, the said The Philadelphia, Baltimore and Washington Railroad Company, on September 25th, 1934, also paid to the State Treasurer, for the use of the State, the said sum of Two Hundred and One Thousand, Four Hundred and Sixteen and 67/100 Dollars, the balance due of principal and accrued interest of the said mortgage of the said The Breakwater and Frankford Railroad Company; now therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature herein concurring) as follows:

Section 1. That the State Treasurer be and he is hereby authorized, empowered and directed to grant, bargain, sell, assign, transfer and set over unto the said The Philadelphia, Baltimore and Washington Railroad Company, its successors and assigns, the said mortgage executed by the said The Junction and Breakwater Railroad Company, dated May 8th, A. D. 1867, and recorded in the office for Recording Deeds, etc., in and for Sussex County, Delaware, in Mortgage Book A. No. 1, folio 188 etc. and also recorded in the office for Recording Deeds etc. in and for Kent County, Delaware, in Mortgage Book F. Volume 1, page 67 etc. and also the said mortgage executed by The Breakwater and Frankford Railroad Company, dated May 2nd, A. D. 1874, and recorded in the office for Recording Deeds etc. in and for Sussex County, Delaware, in Mortgage Book 3, Volume C, folio 78 etc. and all moneys, principal and interest, due or to become due on the said two mortgages and thereby secured, or intended so to be, as afore-

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said and all property, real and personal, in the said two mortgages mentioned and described or intended so to be.

Together with the rights, members and appurtenances thereto belonging and all the estate, right, title and interest in the said two mortgages of the State of Delaware, to have and to hold all and singular the premises thereby granted and assigned, or mentioned or intended so to be, unto the said The Philadelphia, Baltimore and Washington Railroad Company, its successors and assigns, forever.

Subject nevertheless to the right and equity of redemption (if any there be) of the said mortgagors, The Junction and Breakwater Railroad Company and The Breakwater and Frankford Railroad Company, their successors and assigns in the same.

Section 2. This Act shall be deemed a public Act.

Approved February 18, 1935.

CHAPTER 84

STATE TREASURER, REFUND TO PURE OIL COMPANY

AN ACT TO APPROPRIATE THE SUM OF SIX HUNDRED AND SEVENTY-ONE DOLLARS AND EIGHTY-TWO CENTS (\$671.82) TO PURE OIL COMPANY TO REIMBURSE IT FOR PENALTY PAID TO THE STATE OF DELAWARE ON MOTOR FUEL TAXES.

WHEREAS, Pure Oil Company owed to the State of Delaware, the sum of Two Thousand, Six Hundred and Nine Dollars and One Cent (\$2,609.01) for motor fuel taxes for the month of January, A. D. 1934, and which sum became due and payable during the month of February, A. D. 1934;

AND WHEREAS, the said Pure Oil Company did, at the City of Chicago, State of Illinois, on the twenty-seventh day of February, A. D. 1934, send by United States Registered Mail, special delivery, its remittance for the said sum of Two Thousand, Six Hundred and Nine Dollars and One Cent (\$2,609.01) in payment of said tax, but said remittance did not reach the office of the State Treasurer until the first day of March, A. D. 1934, and the State Treasurer did impose a penalty on said Pure Oil Company of Six Hundred and Fifty-two Dollars and Twenty-five Cents (\$652.25) and on the twentieth day of June, A. D. 1934, the said Pure Oil Company did remit to the State Treasurer the sum of Six Hundred and Seventy-one Dollars and Eighty-two Cents (\$671.82) in payment of said penalty with accrued interest thereon, and which said payment was made under protest;

AND WHEREAS, the said Pure Oil Company should be reimbursed for the payment of said penalty and interest so paid as aforesaid;

Now therefore be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the State Treasurer be and he is hereby authorized and directed to pay to Pure Oil Company out of any

STATE TREASURER, REFUND TO PURE OIL COMPANY

moneys in the Treasury to the credit of the State Highway Department, the sum of Six Hundred and Seventy-one Dollars and Eighty-two Cents (\$671.82) to reimburse said company for the penalty and interest thereon, as mentioned in the second preamble of this Act.

Approved April 12, 1935.

CHAPTER 85

STATE TREASURER

OUTLAWING CHECKS TWO YEARS OLD

AN ACT RELATING TO THE ACCOUNTS OF THE STATE TREASURER AND THE PAYMENT OF CHECKS AND ORDERS DRAWN THEREON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. No check or order issued by the State Treasurer of the State of Delaware shall be honored or paid by the depository upon which such check or order is drawn after the expiration of two years from the date of such check or order.

Approved April 12, 1935.

CHAPTER 86

STATE DETECTIVES

AN ACT TO AMEND CHAPTER 18 OF THE REVISED CODE OF THE STATE OF DELAWARE AS AMENDED RELATING TO THE APPOINTMENT OF STATE DETECTIVES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That 565. Section 1 of the Revised Code of Delaware, as amended, be and the same is hereby amended by striking out said Section and substituting in lieu thereof the following to be styled 565 Section 1.

565 Section 1. On the third Monday in March in the year one thousand nine hundred and thirty-eight (1938) and every four years thereafter, the Governor shall appoint three (3) suitable persons, one of whom shall be a resident in the County of New Castle, one a resident of Kent County, and one a resident of Sussex County, to be detectives for the State of Delaware. Such detectives shall hold office for the term of four years from the date of their appointment, and until their successors shall be appointed and duly qualified, unless sooner removed from office by the Governor as hereinafter provided. It shall be the duty of said detectives, under the direction of the Attorney General or his Deputy, to investigate and ferret out crimes committed in this State.

Approved March 25, 1935.

CHAPTER 87

STATE DETECTIVES

AN ACT TO AMEND CHAPTER 82, VOLUME 36, LAWS OF DELAWARE, RELATING TO THE SALARIES OF THE STATE DETECTIVES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the phrase in said Chapter "In the City of Wilmington" be and the same is hereby stricken from said paragraph and substituted in lieu thereof the following "In the County of New Castle," so that said Chapter shall read as follows:

The State Detective residing in the County of New Castle and the two other State Detectives shall receive a salary of Twenty-four Hundred Dollars (\$2400.00) per annum, payable in equal monthly installments by the State Treasurer out of any funds in his hands not otherwise appropriated, upon the certificate of the Attorney General that they have faithfully performed the duties of their offices during the preceding month.

Approved March 25, 1935.

CHAPTER 88

INSURANCE DEPARTMENT

ADMINISTRATION OF DEPOSITS

AN ACT TO AMEND CHAPTER 20 OF TITLE SIX OF THE REVISED CODE OF THE STATE OF DELAWARE OF 1915, AS AMENDED, REVISED AND CONSOLIDATED BY CHAPTER 52 OF VOLUME 37 LAWS OF DELAWARE, BY ADDING THERETO A NEW ARTICLE TO BE KNOWN AS ARTICLE VIII, PROVIDING FOR THE ADMINISTRATION OF DEPOSITS MADE WITH THE INSURANCE COMMISSIONER IN TRUST UPON A RECEIVER BEING APPOINTED FOR THE INSURANCE COMPANY OR SURETY COMPANY MAKING THE DEPOSITS BY HAVING THE RECEIVER SO APPOINTED SUBSTITUTED AS TRUSTEE AND HAVING THE INSURANCE COMMISSIONER TURN OVER SUCH DEPOSITS TO SUCH RECEIVER AND MAKING THE FUND SO TURNED OVER TO SUCH RECEIVER SUBJECT TO PAYMENT OF THE COSTS AND EXPENSES OF ADMINISTRATION OF THE FUND AND VESTING POWER IN THE CHANCELLOR OF THE STATE OF DELAWARE TO ENFORCE THE PROVISIONS OF THE ARTICLE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 20, Title Six of the Revised Code of the State of Delaware of 1915, as amended, revised and consolidated by Chapter 52 of Volume 37 of the Laws of Delaware, be and the same is hereby amended by adding thereto a new Article to be known as Article VIII, providing for the administration of deposits made with the Insurance Commissioner in trust upon a Receiver being appointed for the Insurance Company or Surety Company making the deposits by having the Receiver so appointed substituted as Trustee and having the Insurance Commissioner turn over such deposits to such Receiver and making the Fund so turned over to such Receiver subject to payment of the costs and expenses of administration of the Fund and vesting power in the Chancellor

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of the State of Delaware to enforce the provisions of the Article, as follows:

ARTICLE VIII

Administration of Deposits upon Receivership by
Substitution of Receiver as Trustee

Section 1. Whenever the Insurance Commissioner of the State of Delaware holds any money, securities or other property deposited with and/or assigned unto him as trustee pursuant to or in attempted compliance with the provisions of Chapter 20 of Title Six of the Revised Code of the State of Delaware of 1915, or of any amendment, revision or consolidation thereof heretofore or hereafter made, or otherwise, and a receiver or receivers shall have been appointed by the Chancellor of the State of Delaware pursuant to the provisions of 574. Sec. 3, Art. I, Chapter 20 of Title Six; 1957. Sec. 43, Art. I, Chapter 65 of Title Nine; 3883. Sec. 40, Chapter 117 of Title Nineteen, or 3891. Sec. 48, Chapter 117 of Title Nineteen of the Revised Code of the State of Delaware of 1915, or any amendment or revision of any of said sections, for the insurance company or surety company which made such deposit and/or assignment, the Chancellor of the State of Delaware, upon application of any such receiver or receivers, the Insurance Commissioner, or of any other party interested in said property, upon determining that said receiver or receivers is or are duly qualified, shall enter an order in said receivership proceedings authorizing and empowering said receiver or receivers to accept any such money, securities or other property from the Insurance Commissioner and upon a certified copy of said order being tendered to the Insurance Commissioner, he shall transfer, assign and set over all of his right, title and interest in and to said money, securities and other property and shall deliver such money, securities and other property so deposited and/or assigned with or unto him unto such receiver or receivers.

Section 2. The Insurance Commissioner shall be relieved of any liability with respect to all money, securities, or other prop-

INSURANCE DEPARTMENT, ADMINISTRATION OF DEPOSITS

erty, transferred, assigned, set over and delivered by him to any receiver or receivers pursuant to the provisions of this Article.

Section 3. The receiver or receivers of any insurance company or surety company, to whom money, securities, or other property shall have been transferred, assigned, set over and delivered in accordance with the provisions of this Article, shall receive and administer such money, securities, or other property, subject to any and all trusts, priorities, liens, claims and/or encumbrances which may have attached to such money, securities, or other property, by virtue of any deposit with the Insurance Commissioner or while the same were in the custody and possession of the Insurance Commissioner or which may attach to said money, securities, or other property after the same shall have been transferred and delivered to such receiver or receivers, and subject to all orders of the Chancellor of the State of Delaware.

Section 4. The Chancellor of the State of Delaware shall have full power and authority to make and enforce any order or orders, either preliminary or final, necessary to enforce the provisions of any Section of this Article.

Section 5. All money, securities, or other property, transferred, assigned, set over and delivered to any receiver or receivers pursuant to the provisions of this Article shall be subject to the payment of the costs and expenses of administration of said money, securities, or other property, including such compensation as the Chancellor of the State of Delaware shall allow to the receiver or receivers and for counsel for the receiver or receivers for such administration.

Section 6. The provisions of this Act shall apply to any proceeding or proceedings relating to any insurance company or surety company in receivership pending at the time of the passage and approval of this Act or which may be instituted hereafter.

Approved April 8, 1935.

CHAPTER 89

INSURANCE DEPARTMENT

FRATERNAL BENEFIT SOCIETIES

AN ACT DEFINING FRATERNAL BENEFIT SOCIETIES, PROVIDING FOR THE MANNER IN WHICH SUCH SOCIETIES MAY BE INCORPORATED AND REGULATING THEIR AUTHORITY, POWERS AND DUTIES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch thereof concurring therein):

Section 1. Fraternal Benefit Society Defined:—Any corporation, society order or association, without capital stock, organized and carried on solely for the mutual benefit of its members and their beneficiaries, and not for profit, and having a lodge system with ritualistic form of work, and representative form of government, and which shall make provision for the payment of benefits, is hereby declared to be a Fraternal Benefit Society.

Section 2. Lodge System Defined:—Any association having a supreme governing or legislative body and subordinate lodges or branches, by whatever name known, into which members shall be elected, initiated and admitted in accordance with its constitution, laws, rules and regulations, which subordinate lodges or branches shall be required by the laws of such association to hold periodical meetings, shall be deemed to be operating on the lodge system.

Section 3. Representative Form of Government Defined:—Any such society shall be deemed to have a representative form of government when it shall provide in its constitution and laws for a supreme legislative or governing body, composed of representatives elected either directly or indirectly by the members, together with such other members as may be prescribed by its constitution and laws; provided, that the elective members shall constitute a majority in number and not have less than two-thirds of the votes, nor less than the votes required to amend its constitution and laws;

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and providing further, that the meetings of the supreme or governing body, and the election of officers, representatives or delegates, shall be held as often as once in four years. The members, officers, representatives or delegates of a Fraternal Benefit Society shall not vote by proxy. Except as herein provided, such society shall be governed by this Act and shall be exempt from all provisions of the Insurance Laws of this State, not only in its governmental relations with the State but for every other purpose, and no law hereafter enacted shall apply to them unless they be expressly designated therein.

Section 4. Benefits:—Every society transacting business under this Act shall provide for the payment of death benefits, and may provide for the payment of benefits in case of temporary or permanent physical disability, either as a result of disease, accident or old age; provided, the period of life at which the payment of benefits for disability on account of old age shall commence, shall not be more than seventy years; and may provide for monuments or tombstones to the memory of its deceased members and for the payment of funeral benefits. Such society shall have the power to give a member, when permanently disabled or on attaining the age of seventy, all or such portion of the face value of his certificate, as the laws of the society may provide; provided, however, that nothing in this Act contained shall be so construed as to prevent the issuing of benefit certificates for a term of years less than the whole or life which are payable upon the death or disability of the member occurring within the term for which the benefit certificate may be issued.

Any society which shall show by the annual valuation hereinafter provided for that it is accumulating and maintaining the reserve necessary to enable it to do so, under a table of mortality not lower than the American Experience Table with four per centum interest may issue to its members upon such showing of eligibility as its laws may require certificates of membership in such forms, granting such benefits payable to such beneficiaries as its laws may authorize. Members under the age of sixteen years shall have no voice or vote. Such society shall be governed by this law

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and shall be exempt from the provisions of the Insurance Laws of this State. No law hereafter enacted shall apply to such societies unless they are specifically designated therein.

Section 5. Fraternal Benefit Societies now operating in this State whether domestic or foreign, shall be permitted to value their certificates and contracts now outstanding or hereafter issued, on the basis of the National Fraternal Congress Table of Mortality with an interest assumption of not higher than four per centum per annum or at the option of the association any higher table, or, at its option it may use a table based upon the association's own experience of at least twenty years and covering not less than one hundred thousand lives with an interest assumption of not more than four per centum per annum.

Section 6. The Secretary of State shall not file a Certificate of Incorporation for any Fraternal Benefit Society unless such certificate shall be accompanied by a certificate from the Insurance Commissioner of this State setting forth that a deposit of Ten Thousand Dollars (\$10,000.00) has been made with him in cash or approved securities and that the Articles of Incorporation so presented for filing are in substantial compliance with the provisions of this Act and the General Corporation Laws of the State of Delaware.

When such Certificate of Incorporation shall have been filed, the Insurance Commissioner shall require such Fraternal Benefit Society to file with him copies of the certificates or contracts proposed to be issued and copies of the application forms proposed to be used by its members in applying for membership. If such certificate forms, contracts and applications shall appear to be in substantial compliance with this Act the Insurance Commissioner shall issue to such Fraternal Benefit Society a temporary license. Upon receipt of such temporary license the society may solicit members for the purpose of completing its organization and may collect from each applicant an amount not less than one regular monthly installment, in accordance with its tables of rates.

Upon presentation of satisfactory evidence to the Insurance

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Commissioner that applications for benefit certificates upon at least five hundred lives have been received and that the regular monthly installments or other required payments thereon have been paid and that all of the other requirements of this Section have been complied with, he shall issue to such society a license as a domestic Fraternal Benefit Society and refund to such Society the amount deposited by it and such Society shall maintain an office in this State. For each such license the Society shall pay the Insurance Commissioner Twenty-five Dollars (\$25.00).

When any domestic society shall have discontinued business for a period of two years or has a total membership of less than four hundred members, its charter shall become null and void.

Section 7. No such society shall incur any liability other than for advance payments made to it by applicants for benefit certificates until bona fide applications have been secured upon at least five hundred lives for at least One Thousand Dollars (\$1,000.00) each.

Every Fraternal Benefit Society organized or licensed under this Act is hereby declared to be a charitable and benevolent institution and all of its funds shall be exempt from all and every state, county, district, municipal and school tax, other than taxes on real estate.

Section 8. Any Fraternal Benefit Society incorporated under the laws of any other State and licensed to do business in this State which has assets in excess of the required reserve liability when its outstanding certificates or contracts are valued on the American Experience Table of Mortality with an interest assumption of not more than four per centum per annum may become a Fraternal Benefit Society incorporated under the laws of this State with a continuation without intermission or cessation of all of its powers, rights, and privileges and of all mutual existing corporate rights, obligations, liabilities, powers, contracts, liens, privileges and duties at the time existing between said corporation and its members. Its officers shall be continued in office for the terms for which they were elected, with the same rights, responsibilities, liabilities, du-

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ties, powers and privileges as at the time enjoyed by and imposed upon them, it being the purpose of this Section to extend and continue such society or association as such corporation of this State, the same as if it had in all respects originally been incorporated under the laws of this State.

In order to become such a corporation of this State, the officers of such society or association such as the Board of Control, Trustees, Directors, Council, Executive Council, or by whatever name known, when thereunto duly authorized by its supreme legislative or governing body, by whatever name known, shall file with the Secretary of State a copy of its Articles of Incorporation, which shall not be inconsistent with this Act. The Secretary of State shall not file a Certificate of Incorporation for such Fraternal Benefit Society or association unless such Articles of Incorporation shall be accompanied by a certificate of the Insurance Commissioner of this State to the effect that such Fraternal Benefit Society or association has assets in excess of the required reserve liability when its outstanding certificates or contracts are valued on the American Experience Table of Mortality, with an interest assumption of not more than four per centum per annum. When such Articles of Incorporation shall have been filed with the Secretary of State and a fee of One Thousand Dollars (\$1,000.00) paid therefor and said Certificate of Incorporation shall have been duly recorded in the Office of the Recorder of Deeds as provided in Chapter I, Section 6 of the General Corporation Law, such Fraternal Benefit Society or association shall immediately thereby become incorporated as a Fraternal Benefit Society of this State and the Insurance Commissioner shall issue to it a license as a Fraternal Benefit Society or association of this State to have the same rights, responsibilities and privileges that are accorded to domestic Fraternal Benefit Societies under this Act, it being the purpose of this Section to establish and continue such society or association as such corporation of this State, the same as if it had in all respects originally been incorporated under the Laws of this State. Such Fraternal Benefit Society so incorporated under the laws of this State as a domestic Fraternal Benefit Society shall maintain an office in this State, together with an agent or representative.

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Section 9. The accumulated funds of a Fraternal Benefit Society, over and above the amount required to maintain the reserves on its outstanding benefit certificates, shall be available for expense of operation, maintenance of homes, sanatoriums, recreation centers, and for the payment of dividends or refunds to its members.

Section 10. Every such society shall have the power to make a constitution and laws for the government of the society, the admission of its members, and the management of its affairs. It shall have the power to change, alter, add to or amend such constitution and laws and shall have such other powers as are necessary and incidental to carrying into effect the objects and purposes of the society. Such society may create, maintain, invest and disburse such funds as are necessary for the conduct of its business.

Section 11. Any society now engaged in transacting business in this State may exercise, after the passage of this Act, all of the rights conferred thereby and all of the rights, powers and privileges now exercised or possessed by it under its Charter or Articles of Incorporation, not inconsistent with this Act.

Domestic Societies may insure, reinsure, merge with or accept the transfer of membership or funds of any other Fraternal Benefit Society; providing, that the agreement of insurance, reinsurance, merger or transfer be approved by the Insurance Commissioner of this State and the Secretary of State.

Section 12. Societies which are now authorized to transact business in this State may continue such business until the first day of April next succeeding the passage of this Act, and the authority of such societies may thereafter be renewed annually, but in all cases to terminate on the first day of the succeeding April; provided, however, the license shall continue in full force and effect until the new license be issued or specifically refused. For each such license or renewal the society shall pay the Insurance Commissioner Twenty-five Dollars (\$25.00). A duly certified copy or duplicate of such license shall be prima facie evidence that the licensee is a Fraternal Benefit Society within the meaning of this Act.

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Section 13. Any foreign Fraternal Benefit Society now transacting business or organized prior to the passage of this Act, and which is not now authorized to transact business in this State, may be licensed to transact business therein hereafter upon complying with the requirements of this Act applicable to domestic societies.

Section 14. Every society, whether domestic or foreign, now transacting business in this State shall, within thirty days after the passage of this act, and every such society hereafter applying for admission shall, before being licensed, appoint in writing the Insurance Commissioner and his successors in office to be its true and lawful attorney, upon whom all legal process in any action or proceeding against it shall be served, and in such writing shall agree that any lawful process against it which is served upon such attorney shall be of the same legal force and validity as if served upon the society and that the authority shall continue in force so long as any liability remains outstanding in this State.

Service shall be made in duplicate upon the Insurance Commissioner and in his absence such service shall be made upon the person in charge of his office, and shall be deemed sufficient service upon such society; provided, however, that no such service shall be valid or binding against any such society when it is required thereunder to file its answer, pleading or defense in less than thirty days from the date of mailing the copy of such service to such society. When legal process against any such society, is served upon said Insurance Commissioner he shall forthwith forward by registered mail one of the duplicate copies prepaid and directed to the secretary or corresponding officer. Legal process shall not be served upon any such society except in the manner provided herein.

Section 15. Any domestic society may provide that the meetings of its legislative or governing body may be held in any state, district, province or territory wherein such society has subordinate lodges, branches, or by whatever name known, and all business transacted at such meetings shall be as valid in all respects as if such meetings were held in this State.

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Section 16. Officers and members of the supreme, grand or any subordinate body of any such incorporated society shall not be individually liable for the payment of any claims against such society.

Section 17. No officer or member shall have the power or authority to waive any of the provisions of the laws of the society, and the same shall be binding on the society and each and every member thereof and on all beneficiaries or members.

Section 18. The beneficiary certificate, the application therefor, the Articles of Incorporation and the constitution and laws of the Fraternal Benefit Society and all amendments to such Articles of Incorporation and the constitution and laws shall constitute the agreement between the Fraternal Benefit Society and the members.

Section 19. Every Society transacting business under this Act shall file with the Insurance Commissioner a duly certified copy of all amendments of or additions to its constitution and laws within ninety days after the enactment of the same. Copies of the Articles of Incorporation and of the constitution and laws and the amendments to either thereof and copies of the original application for membership and copies of the records pertaining thereto certified to by the secretary or corresponding officer of the Fraternal Benefit Society shall be prima facie evidence of the terms thereof and as to the Articles of Incorporation and the constitution and laws prima facie evidence of the legal adoption thereof.

Section 20. Every such society transacting business in this State shall annually, on or before the first day of March, file with the Insurance Commissioner, in such form as he may require, a statement under oath of its president and secretary or corresponding officers, of its condition and standing on the thirty-first day of December next preceding, and of its transactions for the year ending on that date. There shall also be filed with the Insurance Commissioner on or before the first day of May each year a valuation report certified to by a competent actuary.

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Section 21. The Insurance Commissioner, or any person he may appoint, shall have the power of visitation and examination into the affairs of any domestic or foreign society, and he, or any person he may appoint, shall have free access to all the books, papers and documents that relate to the business of the society and may summon and qualify as witnesses under oath and examine its officers, agents and employes or other persons in relation to the affairs, transactions and conditions of the society. The expense of such examination shall be paid by the society examined.

When after examination the Insurance Commissioner is satisfied that any domestic or foreign society has failed to comply with any provisions of this Act, or is exceeding its powers, or is not carrying out its contracts in good faith he may present the facts relating thereto to the Attorney General for action.

No proceedings shall be commenced by the Attorney General against any such society until after notice has been sent by registered mail to the chief executive officers of the society at their last known post office address and a reasonable opportunity given to it, on a date to be named in said notice, to show cause why such proceedings should not be commenced. Pending, during or after an examination or investigation of any such society, either domestic or foreign, the Insurance Commissioner shall make public no financial statement, report or finding, nor shall he permit to become public any financial statement, report or finding affecting the status, standing or rights of any such society, until a copy thereof shall have been served upon such society, at its home office, nor until such society shall have been afforded a reasonable opportunity to answer any such financial statement, report or finding and to make such showing in connection therewith as it may desire.

Section 22. No application for injunction against or proceedings for the dissolution of or the appointment of a receiver for any such domestic society or branch thereof shall be entertained by any Court in this State unless the same is made by the Attorney General.

Section 23. Nothing contained in this Act shall be construed

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to affect or apply to grand or subordinate lodges of Masons, Odd Fellows or Knights of Pythias (exclusive of the Insurance Department of the supreme lodge, Knights of Pythias), Knights of Columbus exclusive of the insurance branch thereof, and the Junior Order of United American Mechanics (exclusive of the beneficiary degree or insurance branch of the National Council Junior Order United American Mechanics), Brotherhood of Railway Trainmen, Polish National Alliance of the United States of North America, Mutual Aid Society of St. Stanislaus, B. M., Society of Mater Admirabilis, and all other societies of like Character now in existence and operating in the State of Delaware, or societies which limit their membership to any one hazardous occupation, nor to similar societies which do not issue insurance certificates, nor to an association of local lodges of a society now doing business in this State which provides death benefits not exceeding One Thousand Dollars (\$1,000.00) to any one person, or disability benefits not exceeding Five Hundred Dollars (\$500.00) in any one year to any one person, or both, nor to any contracts for reinsurance on such plan in this State, nor to domestic societies, which limit their membership to the employees of a particular city or town, designated form, business house or corporation, nor to domestic lodges, orders or associations of a purely religious, charitable and benevolent description, which do not provide for a death benefit of more than One Hundred Dollars (\$100.00) or for disability benefits of more than One Hundred and Fifty Dollars (\$150.00) to any one person in any one year.

Any Fraternal Benefit Society heretofore organized and incorporated and operating within the definition set forth in this Act, providing for benefits in case of death or disability resulting solely from accidents, or which obligates itself to pay sick benefits, may be licensed under the provisions of this Act, and shall have all the privileges and shall be subject to all the provisions and regulations of this Act.

Section 24. Any person who shall solicit membership for, or in any manner assist in procuring membership in any Fraternal Benefit Society not licensed to do business in this State, or who

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shall solicit membership for, or in any manner assist in procuring membership in any society not authorized as herein provided, to do business as herein defined in this State shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00).

Any society, or any officer, agent or employee thereof, neglecting or refusing to comply with or violating any of the provisions of this Act, the penalty for which neglect, refusal or violation is not specified in this Section, shall be fined not exceeding Two Hundred Dollars (\$200.00) upon conviction thereof.

Section 25. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 26. All Acts and parts of Acts inconsistent with the provisions of this Act shall be and the same are hereby repealed.

Approved April 12, 1935.

CHAPTER 90
INSURANCE DEPARTMENT
RELATING TO MUTUAL COMPANIES

AN ACT TO AMEND CHAPTER XX OF TITLE 6 OF THE REVISED CODE OF THE STATE OF DELAWARE RELATING TO INSURANCE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That 580 Section 9 of the Revised Code of the State of Delaware of 1915 as amended by Chapter 52, Volume 37 of the Session Laws of the State of Delaware, be amended by inserting at the end of Paragraph 3 (b) and immediately thereafter the following:

If a mutual company for reinsurance, it shall have in force, or bona fide applications for, insurance covering not less than one hundred separate risks to be issued to not less than three members, which members shall be insurance companies authorized to do business in the State of Delaware or in any other State of the United States, and shall have collected in cash at least one full annual premium on such insurance or the policies to be issued pursuant to such applications.

Approved April 18, 1935.

CHAPTER 91

STATE BOARD OF AGRICULTURE

AN ACT PROVIDING FOR THE BLOOD TESTING OF CATTLE FOR BANG'S DISEASE.

WHEREAS, a Federal appropriation has been provided for the payment of indemnity, not to exceed twenty dollars (\$20.00) for any grade animal of fifty dollars (\$50.00) for any registered pure bred animal, on cattle which react to the agglutination test for Bang's Disease, and the State Board of Agriculture has materially increased the testing of cattle for Bang's Disease, in order that the reactors might be eligible for Federal indemnity, and as many cattle owners throughout the State have already placed their herds under this State-Federal supervision, and, because of the fact that the Boards of Health and milk stations are requiring or considering requiring the Bang's Disease test on cattle furnishing raw milk, many more herd owners have requested this supervision, and as the United States Bureau of Animal Industry limits the number of tests on each herd for which Federal indemnity will be paid to two (2) tests, and as the brunt of the expense has already been borne by the Federal Department in paying the indemnity on reactors to the first two tests, on which about seventy-five percent (75%) of all the infected animals may be expected to be eliminated, it becomes necessary for the State Board of Agriculture to continue this service to cattle owners of the State, in order to eradicate Bang's Disease and enable them to obtain accredited herds; or, if no further indemnities can be paid for reacting cattle, to lose the advantage of the work already done, in that many herd owners will not be able or willing to continue the testing if their reactors are not eligible for indemnity, therefore:

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That, when a cattle owner in Delaware who has already placed his herd under State-Federal supervision, has complied with the requirements necessary to control and eradicate Bang's Disease from his herd, and has received the number of

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tests on which the Federal indemnity may be paid, the State Board of Agriculture is hereby authorized and empowered to continue the testing of such herds, and to pay a State indemnity, in the same amount as the Federal indemnity; that is, not exceeding twenty dollars (\$20.00) for any grade animal or fifty dollars (\$50.00) for any registered pure bred animal, this indemnity to be paid from the fund for the Eradication of Bovine Tuberculosis, so long as the appropriation for this purpose will bear the added expense of the Eradication of Bang's Disease without curtailing the original purpose for which this appropriation was provided; that is, the Eradication of Bovine Tuberculosis.

Section 2. That, should the Federal appropriation for the payment of indemnity for animals reacting to the agglutination test for Bang's Disease at any future date be discontinued, and the requirements of the Boards of Health and the milk stations necessitate the testing of cattle for Bang's Disease in order for the owners to find a market for their milk, the State Board of Agriculture shall be authorized and empowered, to such extent as the appropriation for the Eradication of Bovine Tuberculosis permits without curtailing the work of bovine tuberculosis eradication and the testing for Bang's Disease of the herds already under supervision, to take under supervision such new herds as the owners request, and to pay, beginning with the original test and continuing so long as the herd remains under State Supervision, indemnity for Bang's Disease reactors, in the same amount as the Federal indemnity; that is, not exceeding twenty dollars (\$20.00) for any grade animal or fifty dollars (\$50.00) for any registered pure bred animal.

Approved March 6, 1935.

CHAPTER 92

STATE BOARD OF AGRICULTURE

AN ACT TO AMEND CHAPTER 36, VOLUME 25, LAWS OF DELAWARE, ENTITLED "AN ACT PROVIDING FOR THE PROTECTION OF THE PUBLIC HEALTH, AND THE PREVENTION OF FRAUD AND DECEPTION, BY REGULATING THE WEIGHING, TESTING, BUYING AND SELLING OF MILK AND CREAM; PROVIDING FOR THE EXAMINATION AND APPOINTMENT OF CERTIFIED TESTERS, AND THE ISSUING OF LICENSES AND MAKING OF TESTS; AND PROVIDING PENALTIES."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That every creamery, shipping station, milk factory, cheese factory, ice cream factory, or milk condensary, or person receiving, buying and paying for milk or cream regardless of the method of settlement shall be required to hold a permit for each and every place where milk or cream is received by weight or measure: Provided, however, that nothing in this act shall apply to individuals buying milk or cream for private use, or to producers buying milk in emergencies to make up their regular supply, or to persons buying from dealers already holding a permit, or to hotels, restaurants, boarding houses, railroad dining cars, retail stores, or drug stores. The permit shall be issued by the State Board of Agriculture to such creamery, shipping station, milk factory, cheese factory, ice cream factory, or milk condensary, or person upon the filing of such information as may be required by the State Board of Agriculture. The permit shall be valid for a term of one calendar year and may be revoked by the State Board of Agriculture for any violation of the provisions of this act. This permit issued hereunder shall be posted in plain view in the station for which it is issued.

Section 2. It shall be unlawful for any person, association, copartnership, or corporation, their agents or servants engaged in the business of buying milk or cream on the basis of or in any

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manner with reference to the amount or percentage of butterfat contained therein, to take, collect or use for testing purposes an unfair or an inaccurate sample, to under-read, over-read or erroneously manipulate the test commonly known as the "Babcock test" used for determining the percentage of such fat in said milk or cream, or to falsify the record thereof, or to make the "Babcock" reading except when the fat has a temperature of one hundred thirty-five degrees to one hundred forty-five degrees Fahrenheit, or to use for such test quantities other than seventeen and six-tenths (17.6) cubic centimeters in the case of milk and nine (9) grams or eighteen (18) grams in the case of cream. In all tests of cream, the cream shall be weighed and not measured into the test bottle.

Section 3. No person, association, copartnership, or corporation purchasing milk or cream and paying for the same on the basis of the percentage of butterfat contained therein shall, if the percentage of butterfat is ascertained by the said "Babcock test", use any test glassware except standard Babcock test glassware and weights which have been previously inspected and approved by the State Board of Agriculture. If the proportion of butterfat is determined by any method other than the "Babcock test" no utensil or instrument shall be used in such determination until the same has been inspected and approved by the State Board of Agriculture.

Section 4. Every person, association, copartnership, corporation, or agent or servant thereof engaged in the business of receiving or buying milk or cream on the basis of or in any way with reference to the amount of butterfat contained therein, or tests made for official inspection or public records as determined by the "Babcock test" shall have the test or tests made only by a licensed tester who shall be responsible for the same and who shall keep a proper and permanent record of all tests made and a copy of such record shall be kept by the owner or manager of the plant. For the purpose of this act, a licensed tester is any person who, having furnished satisfactory evidence of good character and having passed a satisfactory examination in milk and cream testing conducted by the State Board of Agriculture or its agents, shall have received a certificate of proficiency from the said department. Each

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applicant for examination for such certificate shall pay a fee of three dollars (\$3.00) to the State Board of Agriculture or its agents. The said State Board of Agriculture shall issue such certificate of proficiency in the name of the approved applicant and under serial number. The State Board of Agriculture upon receipt of this certificate of proficiency, together with the payment of a fee of three dollars (\$3.00), shall issue a license to said applicant good for one calendar year. This license shall be renewed annually without further examination at the discretion of the State Board of Agriculture upon the payment of a fee of three dollars. Each certified tester shall post his or her license in plain view in the testing room in which he or she is employed. The State Board of Agriculture shall revoke said license for failure to post it as above required or for any other just cause.

Section 5. Every person, association, copartnership, or corporation engaged in the business of buying milk or cream on the basis of or in any way with reference to the amount of butterfat contained therein or tests made for official inspection or public record, shall have the samples taken for testing purposes either by a licensed tester or by a person licensed or certified to weigh and sample milk and cream. For the purpose of this act a person certified to weigh and sample milk or cream is any person, who having furnished satisfactory evidence of good character and having passed a satisfactory examination in weighing and sampling milk and cream conducted by the State Board of Agriculture or its agents, shall have received a certificate of proficiency from said department. Each applicant for such examination for such certificate shall pay a fee of one dollar and fifty cents (\$1.50) to said department. The said department shall issue such certificate of proficiency in the name of the approved applicant and under serial number. The State Board of Agriculture upon receipt of this certificate of proficiency, together with the payment of a fee of three dollars (\$3.00), shall issue a license to said applicant good for one calendar year. This license shall be renewed annually without further examination at the discretion of the State Board of Agriculture upon the payment of three dollars (\$3.00). Each licensed weigher and sampler shall post his or her license in plain

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view in the plant in which he or she is employed. The State Board of Agriculture may revoke said license for failure to post it as above mentioned or for any other just cause.

Section 6. Any person, association, copartnership, corporation, or agents or servants thereof engaged in the business of buying milk or cream on the basis of or in any way with reference to the amount or percentage of butterfat contained therein as determined by the "Babcock test" shall make such test at least once every sixteen days. The milk or cream purchased from each person shall be represented by a composite sample taken from the entire delivery of each of the several lots of milk or cream bought from said person and shall cover a period of not more than sixteen days. The composite sample to which a suitable preservative has been added shall be made up of aliquot parts taken from each of the several lots of milk or cream bought from each person concerned, and composite samples of all persons concerned shall cover the same period of time. Any person taking a sample or samples of milk or cream, either from the aliquot part of each lot of milk sampled or from the composite lot of milk or cream sampled, shall adopt such measures and use such procedure as will insure the obtaining of accurate samples representing in each case the entire amount of the milk or cream from which the sample is taken. No weigh tank or container from which the aliquot part is taken for composite samples shall have any partition, division or strainer which may divide in any way into more than one compartment the volume of milk from which the sample is taken. Each composite sample shall be held in an air tight bottle—such bottle being plainly labeled showing the name or number of the person whose milk or cream the composite sample represents—and the rack or container where the samples are held shall be plainly labeled showing the date of the first and last day of the period covered by the said composite samples. The State Board of Agriculture may require that the composite samples be tested on the premises where they are taken whenever in its judgment such action is for the public welfare. After such samples have been tested their residues shall be held intact and in condition suitable to test on the premises where

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they are tested for a further period of not less than ten days in order to make possible a check test. The State Board of Agriculture, or its agents, are hereby authorized to make such tests whenever in their judgment such tests are advisable for the public welfare. Every person, firm, or corporation affected by the provisions of this act shall within five days after the day on which the test herein provided for has been made notify the seller of such milk or cream or his agent, in writing or by individual printed statement of the result of such test, stating the period of time during which said composite samples were taken. Where a daily test is made on milk or cream and the average of these several tests used as a basis of settlement there shall also be a composite sample taken covering a period of first and last half of month and shall be held intact on the premises for a period of not less than ten days, in order that the State Board of Agriculture or its agents may make check tests whenever in their judgment such tests are advisable for the public welfare.

Section 7. No percentage of fat ascertained from a sample containing milk or cream that has been so treated as to cause it to test lower or higher than the test of the milk or cream from which it was taken shall be used as a basis of payment for milk or cream purchased or sold.

Section 8. No person, association, copartnership, or corporation purchasing or selling milk or cream or both by weight or measure or butterfat test, and no agent or servant of any such person, association, copartnership, or corporation shall use as a basis of payment for such purchase any weight or measure or butterfat test other than the approved weight or measure of butterfat test of the milk or cream purchased or sold.

Section 9. Every person, association, copartnership, corporation or agent or servant purchasing or receiving milk or cream from the producer thereof for manufacturing purposes or for reselling the same shall, at each time of payment to such producer for such milk or cream, or where the producer of such milk or cream is selling the same to such purchaser or receiver by or through

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cooperative association or other agency and the payment thereof is being made by such purchaser or receiver to such co-operative or other agency shall at the time such purchaser or receiver makes each payment to such co-operative association or other agency, give each such producer so delivering milk a statement showing the amount delivered daily during the time for which payment is made and the average per centum butterfat test of same, provided payment is made on the basis of the butterfat content—such statement to contain the name or number of the producer or seller of such milk or cream, the date of delivery thereof, and the amount so delivered; such statement to be given in the terms of the unit used as a basis for determining the value thereof; Provided, however, that such purchaser or receiver may in lieu of said monthly statement of weights give daily to such producer or to his agent at the time of delivery of such milk or cream to such purchaser or receiver a written statement of the amount of milk or cream so received or purchased.

Section 10. The State Board of Agriculture or its agents are hereby authorized to enter the premises and to examine the books, the records, and testing apparatus of any person, association, co-partnership, or corporation, for the purpose of carrying out the provisions of this act.

Section 11. The State Board of Agriculture shall be charged with the enforcement of the provisions of this act and the said Board shall have authority to make such rules and regulations as are necessary for the proper enforcement of the act. Nothing contained in this section shall be construed to prevent any individual from prosecuting anyone violating any of the provisions of this act.

Section 12. For violation of any of the provisions of this act proceedings may be instituted against the owner or manager who is responsible for the business transacted, together with the certified tester or the person weighing and sampling, either or all, to be held equally responsible.

Section 13. Any person or persons violating any of the provisions of this act except section two shall be guilty of a misde-

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meanor and upon conviction thereof shall be sentenced to pay a fine of not less than ten dollars (\$10.00) or more than fifty dollars (\$50.00), or imprisonment in the county jail for not less than ten days or more than thirty days, or both, at the discretion of the court. Any person or persons found guilty of violation of section two of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00), or imprisonment in the county jail for not more than nine months.

Section 14. All fines and penalties imposed and received for the violation of any of the provisions of this act and all moneys received in compliance with any of the provisions of this act shall be paid to the State Board of Agriculture or its agents and shall thereafter be paid into the State Treasury for the use of the Commonwealth.

Section 15. If any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby.

Section 16. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved April 22, 1935.

CHAPTER 93

STATE BOARD OF AGRICULTURE, BUREAU OF MARKETS

AN ACT TO PROVIDE FOR THE PROPER ADVERTISING OF THE AGRICULTURE ADVANTAGES, MANUFACTURING INDUSTRIES, AND OTHER NATURAL ADVANTAGES OF THE STATE OF DELAWARE, AND MAKING APPROPRIATION FOR THE SAME.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Director of the Bureau of Markets is hereby authorized and directed to have prepared and printed from time to time booklets, pamphlets, and such other advertising matter as he shall deem expedient, setting forth the agricultural advantages, manufacturing industries, natural advantages, and historical points of interest, and such other matters as he may deem advisable, as shall most properly advertise the aforesaid advantages of the State of Delaware.

Section 2. That the said Director of the Bureau of Markets is further authorized and directed to forward such booklets, pamphlets, and other advertising matter to any of the various State Departments of this State or of any other state or territory in the United States or to any foreign county requesting the same, and he is further authorized to send said booklets, pamphlets, or other advertising matter to Chambers of Commerce of the various cities in the United States and foreign countries, and to Rotary Clubs, Kiwanis Clubs, Lions Clubs, and other similar and kindred organizations making request for information regarding the advantages of Delaware.

Section 3. That, for the purpose of defraying the expenses of printing, preparing, and mailing the above booklets, pamphlets, and other advertising matter, there is hereby appropriated to the Bureau of Markets, of the State Board of Agriculture, the sum of two thousand five hundred dollars (\$2,500.00) out of any funds in the State Treasury not otherwise appropriated, and the State Treas-

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urer is hereby directed to pay upon warrants drawn by the Director of the Bureau of Markets such sums from time to time from the above fund as the said Director of the Bureau of Markets shall require, said sums not to exceed in the aggregate the total sum of two thousand five hundred dollars (\$2,500.00).

Section 4. This Act shall be known and termed a supplementary appropriation bill.

Approved April 24, 1935.

CHAPTER 94

STATE CHEMIST

AN ACT TO AMEND CHAPTER 22 OF THE REVISED CODE OF THE STATE OF DELAWARE, AS AMENDED IN CHAPTER 48, VOLUME 29, AND CHAPTER 49, VOLUME 35, LAWS OF DELAWARE, IN RELATION TO COMMERCIAL FERTILIZERS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 22 of the Revised Code of the State of Delaware as amended by Chapter 48, Volume 29 and Chapter 49, Volume 35, Laws of Delaware, be and the same is hereby further amended by repealing 699 Section 2, 703 Section 6, 704 Section 7, 706 Section 9, thereof, and inserting in lieu thereof the following sections, to be styled 699 Section 2, 703 Section 6, 704 Section 7, 706 Section 9.

699 Section 2. Every Company, firm, corporation or person who shall sell, offer or expose for sale, or have in his possession with intent to sell, in this state, any commercial fertilizer, shall affix conspicuously to every package thereof a plainly printed statement, clearly and truly certifying the number of net pounds of fertilizer in the package, the name, brand or trademark under which the commercial fertilizer is sold, the name and address of the manufacturer, the place of manufacture, and stating the minimum percentage of nitrogen, the minimum percentage of phosphoric acid in available form, and the minimum percentage of potash soluble in distilled water. If numerals are used in, or in connection with the name, brand, or trade mark under which any commercial fertilizer is sold, offered or exposed for sale, such numerals must conform to the guaranteed percentages of nitrogen, available phosphoric acid, and potash in the order named. Any manufacturer or dealer who shall fail to affix conspicuously such statement to every package of commercial fertilizer that he may have for sale, offer or expose for sale, or in such statement shall misrepresent the proportions of nitrogen, phosphoric acid and potash, or either of them contained in such commercial fertilizer, or who shall sell, offer or

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expose for sale in this State any pulverized leather, hair, ground hoofs, horns or wool waste in any form as a fertilizer or as an ingredient of a fertilizer or manure without an explicit statement of the fact conspicuously affixed to every package of such fertilizer or manure, or who shall manufacture, sell or offer for sale, mixed brands of commercial fertilizer which contain less than sixteen (16) per cent, or units, of total plant food, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined Two Hundred Dollars for the first offense and Three Hundred Dollars for each subsequent offense; provided that nothing in this Act shall prevent any person from having mixed any combination of ingredients, or from buying fertilizer materials for his own use without subjecting the dealer to the registration tax for such brands.

703 Section 6. Analyses for Purchasers of Fertilizers; Samples How Obtained and Forwarded; Certificate of Analysis; to Show What, Record Kept; Evidence When:—Any person or persons purchasing any fertilizers from any manufacturers or venders in this State for their own use, and who, themselves, the purchasers, are citizens of the State may, if they desire, submit fair samples of fertilizers to the State Chemist; but in order to protect the manufacturer or venders from the submission for analysis of spurious samples, the person or persons selecting the same shall do so in the presence of one or more disinterested persons which samples shall be taken from one or more packages (said sample shall be taken from at least five packages if there are that number in the lot), and bottled, corked, and sealed in presence of said witnesses, and this sample package or bottle shall be placed in the hands of a disinterested person, who is to forward the same at the expense of the purchaser to the State Chemist when the purchaser so desires; and upon the receipt by him of any such sample package the State Chemist is authorized to return to such purchaser or purchasers a certificate or certificates of analysis; the certificate shall in all cases set forth the percentages of nitrogen, available phosphoric acid and potash soluble in distilled water contained in such sample or samples, date of analysis and the name or names of persons submitting the samples, and be signed by the State Chemist, who is required to keep an accurate account of the same; and the

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said certificates or records, when verified by the affidavit, of the State Chemist, shall be competent evidence in any court of law or equity in this State.

704 Section 7. Immediately after the filing of the statements required by 700 Section 3 of this Act, with the Secretary of the State Board of Agriculture, said Secretary shall issue a certificate to the party making such statement giving the name, brand or trade-mark under which the commercial fertilizer is sold, the name and address of the manufacturer or importer, the place of manufacture and that the applicant for said certificate is authorized to sell said brand of commercial fertilizer within the State of Delaware for the period of one year from the first day of January to the thirty-first day of December, inclusive. Said certificates may be issued at any time for and during the current year, and may be issued during the month of December for the year commencing on the first day of January thereafter. The Secretary of the State Board of Agriculture shall have the power and authority to refuse to issue a certificate for more than one commercial fertilizer under the same name, brand or trade-mark, or to issue a certificate for any commercial fertilizer under a name, brand or trade-mark previously certified if such commercial fertilizer has been reduced in grade or value. Should a certificate be issued for any commercial fertilizer to be sold or offered for sale in this State and it should afterwards be discovered that such commercial fertilizer or such certificate is in violation of any of the provisions of this Act the said Secretary shall have the power and authority to cancel such certificate.

706 Section 9. The Secretary of the State Board of Agriculture or other agent or officer of the said Board, is hereby empowered to collect samples of commercial fertilizers offered for sale in this State, and to submit them by number to the State Chemist for analysis, and for this purpose, the said Secretary, or other agent of the State Board of Agriculture, shall have full access, ingress and egress to and from all places of business, factories, barns, buildings, cars and vessels used in the manufacture and transporta-

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tion or sale of any commercial fertilizers. They shall also have power to open any package or vessel containing any commercial fertilizer, and take therefrom samples for analysis, paying therefor the value of the samples taken if such payment is requested.

Approved March 11, 1935.

CHAPTER 95

STATE FORESTRY DEPARTMENT

AN ACT AUTHORIZING THE STATE FORESTRY DEPARTMENT TO ENTER INTO COOPERATIVE AGREEMENTS WITH THE FEDERAL GOVERNMENT OR PRIVATE PERSONS IN RELATION TO FOREST LANDS LOCATED IN DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the State Forestry Department is hereby authorized, subject to the approval of the Governor, to receive gifts, donations, contributions or leases of land and to enter into long term leases or cooperative agreements with private persons or groups of persons or with the Federal Government through any of its Agencies or Departments for desirable lands now or hereafter held by them or any of them, and to make expenditures from any funds available to the State Forestry Department, not otherwise allocated, for managing and developing such State Forest or State Park areas as in the judgment of the State Forestry Commission shall further the Forest or Park interests of the State.

Section 2. All lands and/or rights appertaining thereto now acquired or hereafter acquired in the name of the State of Delaware by the State Forestry Department and all lands turned over to the said Department by gift, devise, grant, lease, agreement, or otherwise shall be held, managed, regulated and controlled by the said Department under the provisions of Chapter 50, Volume 35, Laws of Delaware, 1927 and Acts supplemental thereto as State Forest, State Forest Parks, public hunting grounds and public recreational areas in accordance with said law and such grant, devise, lease or agreement as may be entered into by the State Forestry Commission as in its judgment will be to the best interest of the people of this State.

Section 3. All Acts or parts of Acts in conflict with or which are inconsistent with the provisions of this Act are hereby repealed.

Approved April 1, 1935.

CHAPTER 96

STATE BOARD OF HEALTH, CREMATORIES

AN ACT PROVIDING FOR THE CREATION AND CONSTRUCTION OF CREMATORIES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. From and after the passage of this Act no person shall destroy or dispose of by burning in the State of Delaware the body of an individual dead from any cause, except in a crematorium or crematory licensed for this express purpose, and under the conditions provided in this Act.

Section 2. A person, firm, organization or association desiring to acquire, erect or construct a crematory shall first obtain a permit from the State Board of Health, after depositing with that Board such blue prints giving construction details, plans of location or other information as shall be required. The crematory shall be so constructed as to be able to reduce to ashes a body, so that there shall remain not more than five per cent of the weight of the body immediately after death. The crematory shall be subject at all times to inspection by the State Board of Health, and by such officers of the State, Legal or Police Departments as may desire to inspect it. It shall not be located, managed or conducted at any time in such a way as to be a public nuisance.

Section 3. A body to be cremated cannot be so disposed of under a burial or disposal permit obtained from a State or Local Registrar under the provisions of the Vital Statistics Act, but only after the preparation of a special permit obtained for this purpose. This special permit shall be obtained from a State or Local Registrar after there having been first deposited with him the death certificate prepared under the provisions of the Vital Statistics Law and a certificate signed by one physician and by a coroner of a county and/or by a member of the office of the Attorney General to the effect that there is no medical or legal reason that the destruction of the body by the process of cremation should not be

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permitted. The permit shall be retained by the person, firm, corporation or association conducting the crematory, and shall be produced for inspection or other purposes when asked for by the inspecting authority.

Section 4. After the cremation has been completed a report indicating the name of the individual, his address while alive, the date and cause of death, and the names of the individuals signing the permit, the date of the cremation, and the disposal of the ashes shall be forwarded within twenty-four (24) hours by the persons in charge of the crematory to the State Board of Health.

Section 5. The ashes resulting from the cremation of a body may be delivered by the attendants of the crematory to any member of the family of the deceased designated to receive them or to the person or persons arranging for the cremation. After this delivery they may be transported in any way in the State and disposed of in such a way as is desired by the person or persons receiving them.

Section 6. A representative of the family or some individual accredited to act as a representative of the family of the individual being cremated may be present at the time the cremation is being carried out.

Section 7. The provisions laid down in Section 3 respecting the signatures of a physician and coroner or the signature of a member of the office of the Attorney General shall be required in respect of the cremation of the body of an individual dying in the State, but removed to any other state for the purpose of cremation.

Section 8. The cremation in the State of Delaware of the bodies of persons dying in other states is permissible if there has been first complied with all the legal requirements of the state in which the death occurred.

Section 9. The State Board of Health is hereby empowered to prepare regulations governing the conditions under which the

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bodies of persons dying from an infectious or communicable disease can be transported from any portion of the State to a crematorium for the process of cremation.

Section 10. Any person who shall give false information, and/or violate any of the provisions hereinabove provided shall be guilty of a misdemeanor and shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not more than one year, at the discretion of the Court.

Approved February 28, 1935.

CHAPTER 97

STATE BOARD OF HEALTH, USE OF PROPHYLACTIC

AN ACT TO AMEND CHAPTER 51, VOLUME 29, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 42, VOLUME 32, LAWS OF DELAWARE, IN RELATION TO THE USE OF A PROPHYLACTIC AGAINST INFLAMMATION OF THE EYES OF THE NEW-BORN.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 51, Volume 29, Laws of Delaware, as amended by Chapter 42, Volume 32, Laws of Delaware, be and the same is hereby further amended by repealing Section 3 thereof and by inserting in lieu thereof the following section to be known as Section 3:

"Section 3. It shall be the duty of physicians, midwives or other persons in attendance upon cases of childbirth to use either a 1% solution of silver nitrate, or a 10% solution of argyrol or a 1% solution of protargol or their therapeutic equivalent as a prophylactic against inflammation of the eyes of the new-born and to make record of the prophylactic used and to endorse the details thereof on every Birth Certificate."

Approved March 6, 1935.

CHAPTER 98

STATE BOARD OF HEALTH, CONTRACEPTIVES

AN ACT MAKING IT LAWFUL TO GIVE INFORMATION RELATING TO CONTRACEPTION, AND TO PRESCRIBE CONTRACEPTIVES UNDER CERTAIN CONDITIONS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. It shall be unlawful for any person, copartnership, corporation, enterprise or association of any character (except as provided in Section 3 hereof) to sell, give away, or otherwise distribute to the public, in stores, on the streets, by vending machine, by peddling from house to house, or in any public place or office building, or in any manner whatsoever, any appliance, drug or medicinal preparation intended or having special utility for the prevention of conception and/or venereal disease.

Section 2. It shall be unlawful for any person, copartnership, corporation, enterprise or association of any character to exhibit, display or expose for sale any appliance, drug or medicinal preparation intended or having special utility for the prevention of conception and/or venereal disease, or to exhibit, display or expose any container, or package therefor descriptive or suggestive of the contents, or to advertise the sale of the same by any placards, billboards, hand-bills, newspapers, periodicals, signs, or by any means of publication either visual or auditory, and either individually or by broadcast.

Section 3. The prohibition expressed in Section 1 of this Act shall not apply to wholesale druggists specifically licensed by the State of Delaware, to the extent that such druggists are permitted to sell or distribute appliances, drugs and medicinal preparations of the character specified in Section 1 hereof only to regularly licensed drug stores, and only such appliances, drugs and medicinal preparations of the character specified in Section 1 hereof as conspicuously bear the identification of the manufacturer thereon or on the

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retail container thereof; nor shall the prohibition specified in Section 1 of this Act apply to the sale or distribution of such appliances, drugs or medicinal preparations by regularly licensed physicians in the normal and usual course of the practice of their profession; nor shall the prohibition specified in Section 1 of this Act apply to the sale or distribution of such appliances, drugs or medicinal preparations at retail by drug stores or pharmacies provided such sales are made from the prescription counters of such drug stores or pharmacies and by a registered pharmacist there employed, and only to persons eighteen years of age and upwards.

Section 4. Any person, copartnership, corporation, enterprise, or association violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and if a corporation, any officer thereof who knowingly participates in such violation shall be deemed guilty in like manner, and on conviction thereof shall be fined not less than Twenty-five dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) and each day any violation of any section of this Act shall continue shall constitute a separate and distinct offense. Jurisdiction of any offense for the violation of any of the provisions of this Act and the right of appeal shall be as provided in Chapter 71, Volume 34, Laws of Delaware.

Approved May 1, 1935.

CHAPTER 99

STATE BOARD OF HEALTH

AN ACT TO AMEND 812. SEC. 77. OF CHAPTER 25 OF THE REVISED CODE OF DELAWARE 1915, AND PROVIDING THAT A BURIAL PERMIT ISSUED BY A LOCAL REGISTRAR TO AN UNDERTAKER, AS PROVIDED IN SAID SECTION, SHALL BE SUFFICIENT AUTHORITY FOR THE INTERMENT OR OTHER DISPOSITION OF A DEAD BODY ANYWHERE IN THE STATE OF DELAWARE, WITHOUT ANY ADDITIONAL PERMIT, FROM ANY AUTHORITY OF ANY INCORPORATED CITY OR TOWN IN THE STATE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That 812. Sec. 77 of Chapter 25 of the Revised Code of Delaware 1915, be and the same is hereby amended by adding at the end thereof the following:

When an undertaker has secured from the Local Registrar a burial permit, issued by the Local Registrar in accordance with the provisions of this Section, such permit shall be sufficient for the interment or other disposition of the dead human body of the person whose name appears in said permit, and it shall not be necessary for such undertaker to secure any additional or other permit from any authority of any incorporated City or Town in this State, for the interment or other disposition of such dead body anywhere in this State.

Section 2. That all acts or parts of acts inconsistent with the provisions of this Act be and the same are hereby repealed to the extent of such inconsistency.

Approved March 27, 1935.

CHAPTER 100

STATE BOARD OF PHARMACY

AN ACT APPROPRIATING MONEY TO THE STATE BOARD OF PHARMACY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the sum of One Thousand Dollars (\$1000.00) be and the same is hereby appropriated to the State Board of Pharmacy for operation expenses of said Board. The said sum of One Thousand Dollars (\$1000.00) shall be paid to the said Board in two annual installments of Five Hundred Dollars (\$500.00) each, for the fiscal years beginning July 1, 1935, and July 1, 1936.

Section 2. That this Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved April 18, 1935.

CHAPTER 101

STATE BOARD OF EXAMINERS IN OPTOMETRY

AN ACT TO AMEND CHAPTER 31 OF THE REVISED CODE OF THE STATE OF DELAWARE, AS AMENDED, RELATING TO THE DELAWARE STATE BOARD OF EXAMINERS IN OPTOMETRY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 31 of the Revised Code of the State of Delaware, as amended, be further amended by adding a new section thereto to be known as 905A Section 13A, to read as follows:

905A. Section 13A. No State Board or Commission, created or existing by Act of the Legislature of the State of Delaware, including Public Schools, and other State Agencies, in the performance of their duties, shall in any way show any discrimination between Ocular Practitioners; and all Boards or Commissions shall honor ocular reports or other professional services by legally qualified and licensed Optometrists in the State of Delaware.

Approved April 15, 1935.

CHAPTER 102

STATE BOARD OF EXAMINERS OF UNDERTAKERS

AN ACT TO AMEND CHAPTER 32 OF THE REVISED CODE OF DELAWARE, AS AMENDED BY CHAPTER 47, VOLUME 32; CHAPTER 70, VOLUME 37, LAWS OF DELAWARE, RELATING TO "STATE BOARD OF EXAMINERS OF UNDERTAKERS."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 32 of the Revised Code of Delaware, as amended by Chapter 47, Volume 32; Chapter 70, Volume 37; Laws of Delaware, be and the same is hereby amended by striking out and repealing all of 911 Section 4 thereof and inserting in lieu the following to be styled 911, Section 4.

911 Section 4. Examinations; Certificates; Fees:—Any other person who shall desire to engage in the undertaking business in this State, or any other person who shall desire to assist in the conduct or management of said business, in this State, shall appear at the time hereinafter provided for, before said Board of Examiners, and any other firm or corporation who shall desire to engage in said undertaking business in this State shall cause one of the members of such firm, or corporation to appear before said Board of Examiners at the time hereinafter provided for, and such person so appearing shall be examined with reference to his or her knowledge and skill in the undertaking business, and if the examination of such person so appearing shall prove satisfactory to said Board of Examiners, the said Board, if they shall find that such person, so examined, possesses the requisite qualifications, shall issue to such person or to such firm or corporation a certificate to that effect in accordance with the provisions of this Chapter, and upon payment of the sum of Twenty-five Dollars (\$25.00). Such person, firm or corporation shall pay annually to said Board of Examiners the sum of Five Dollars (\$5.00) for the renewal of said certificate. All certificates issued by said Board shall be signed by its officers, and said certificates granted as aforesaid shall be prima facie evi-

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dence of the rights of the holder to engage in the undertaking business in the State of Delaware, or to assist in the conduct or management of said business.

That after the approval of this Act no certificate shall be issued by said Board of Examiners unless the applicant has a high school education or the equivalent thereof, is a graduate from a regular recognized college of embalming, whose course of instruction is not less than six months. The name and address of such applicant shall be filed with the said Board of Examiners not less than two years next preceding his or her examination.

That any person or member of a firm or corporation who shall desire to engage in the undertaking business in this State, shall before applying for examination, first serve two years apprenticeship with a licensed undertaker, said licensed undertaker must register the name, age and address of the apprentice with the Secretary of the State Board of Examiners in undertaking.

Approved March 29, 1935.

CHAPTER 103

BOARD OF EXAMINERS OF BARBERS

AN ACT TO AMEND CHAPTER 33 OF THE REVISED CODE OF DELAWARE 1915 IN REFERENCE TO THE BOARD OF EXAMINERS OF BARBERS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 33 of the Revised Code of Delaware 1915, be and the same is hereby amended by striking out all of 924. Sec. 5 and 926. Sec. 7. thereof, and inserting the following new Sections:

924. Sec. 5. Examinations; Fee; Qualification; Certificate, Renewals; Fee:—Any person not within the provisions of Section 4, or not registering thereunder, desiring to obtain a certificate of registration under this Chapter, shall have at least a fifth grade grammar school education, and shall make application to said Board, and shall pay to the Treasurer of said Board an examination fee of ten dollars, and shall present himself at the next regular meeting of the Board for the examination of applicants; whereupon said Board shall proceed to examine such person, both by written and oral examination, in the scientific fundamentals of Barbering and Barber Science, Histology of the hair, skin, structure of the head, face and neck, elementary chemistry, relating to sterilization and antiseptics, Hygiene Sanitation and Bacteriology, massaging and manipulating the muscles of the scalp, face or neck, and being satisfied that he is above the age of nineteen years, of good moral character, free from contagious diseases, that he has either studied the trade for at least three years as an apprentice under a qualified and practicing barber, or has practiced the trade in another State for at least two years, and is possessed of the requisite skill in said trade to properly perform all the duties thereof, including his ability in the preparation of tools, shaving, hair cutting and all the duties and services incident thereto, the Board shall enter his name in the register hereinafter provided for, and shall issue to him a certificate of registration, authorizing him to practice said trade in

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said City of Wilmington, which said Certificate shall be good for one year. All persons who shall have passed a successful examination before said Board shall be entitled to receive from said Board a certificate thereafter annually upon the payment of a fee of one dollar.

926. Sec. 7. Apprentices; Limitation of Number; Definition of; Qualifications:—Nothing in this Chapter shall prohibit any person serving as an apprentice to said trade under a barber authorized to practice the same under this Chapter; provided, that in no barber shop in said City of Wilmington shall there be more than one apprentice to one barber authorized under this Chapter to practice said occupation.

An apprentice within the meaning of this Chapter is anyone who has entered into the employment of a qualified barber for a fixed term in order to learn the trade or art of barbering. Every apprentice in said City of Wilmington, in order to avail himself of the provisions of this Chapter, must file with the Secretary of said Board a statement in writing showing the name and place of business of his employer, the date of the commencement of employment with him, and his full name and age, and must be at least sixteen years of age, and shall pay into the Treasury of said Board a fee of one dollar, annually, which fee shall be deposited by the Board with the State Treasurer and credited to the general fund of the State.

Section 2. That Chapter 33 of the Revised Code of Delaware 1915 be and the same is hereby further amended by adding at the end thereof the following additional Section:

932A. Sec. 13A. Establishing a New Barber Shop; Fee; Proviso:—That, in order to establish a new barber shop in the City of Wilmington, the applicant must pay a fee of One Hundred Dollars (\$100.00) to cover expenses of inspection, which fee shall be deposited by the Board with the State Treasurer and credited to the general fund as other fees. Provided, however, that this Section shall not apply to residents of the State of Delaware.

Approved March 29, 1935.

CHAPTER 104

PUBLIC ARCHIVES COMMISSION

AN ACT REQUIRING ALL CUSTODIANS OF PUBLIC RECORDS AND REGISTRIES OF STATE, COUNTY AND INCORPORATED MUNICIPALITIES, TO USE PAPER AND INK OF STANDARD QUALITIES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. All custodians of public books of record or registries of the State or any county or incorporated municipality therein, whose duty it shall be to record, or cause to be recorded, papers or documents required by law to be recorded, shall not use, or permit to be used, for recording purposes, any book or paper which shall not be of a standard mill brand with dated watermark; nor shall any such custodian use or permit to be used for the said recording any ink which shall not be of a standard quality.

Section 2. The standard of the quality of said book, paper and ink shall be determined by the Public Archives Commission of the State, whose duty it shall be, as soon as can be conveniently done after the approval of this act, to furnish to each of the custodians aforesaid a list of not less than four makes or brands of such standard books or papers and ink, manufactured by different and separate concerns, provided, that no make or brand of ink shall be designated by the said Public Archives Commission except it shall have the written approval, as to quality, by the state chemist, whose duty it shall be to examine such makes and brands as may be submitted to him by the Public Archives Commission.

Section 3. All custodians as aforesaid shall afford to the Public Archives Commission all reasonable access to the records, papers and ink within their possession and control for the purposes of carrying out the provisions of this Act.

Section 4. Any custodian, as aforesaid, who shall use or cause or permit to be used any book, paper or ink other than in the

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manner in this Act provided shall be deemed to be guilty of malfeasance in office and shall be subject to a fine of not more than One Hundred (\$100.00) Dollars. For the purpose of enforcing this Act exclusive jurisdiction is hereby given to the Court of General Sessions of this State.

Approved March 8, 1935.

CHAPTER 105

PUBLIC ARCHIVES COMMISSION

AN ACT TO AMEND CHAPTER 36 OF THE REVISED CODE OF THE STATE OF DELAWARE (1915) AS AMENDED RELATING TO PUBLIC ARCHIVES COMMISSION.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 36 of the Revised Code of the State of Delaware (1915) be and the same is hereby amended by striking out all of said Chapter, as amended, and inserting in lieu thereof the following:

972. Sec. 1. Creation of Public Archives Commission; Its Duties and Powers:—There shall be a Public Archives Commission whose duties shall consist of the care and preservation of all public records of historical value, seventy-five years old or more, of the State of Delaware or any political sub-division thereof, which are now in, or may hereafter come into, the possession of said Commission; and also for the preservation of all other public records of historical value which may remain in the custody of any public official of the State or any political sub-division thereof.

The Public Archives Commission is hereby empowered to select and transfer to the State Hall of Records such books, records, documents and papers, seventy-five years old or more, which it shall deem to be of an historical or public interest, and which now are, or shall hereafter be in the custody of any public official of the State or any political sub-division thereof.

973. Sec. 2. How Constituted; Compensation and Expenses:—The Public Archives Commission shall consist of six members, two of whom shall be residents of each County, and shall be appointed by the Governor for a term of four years. Members of the Commission shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties under this Act.

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974. Sec. 3. Custodians of Public Records; Duties:—For the purpose of this Chapter all custodians of public records of the State or any political sub-division thereof shall, upon the request of the Public Archives Commission, afford to it all proper and reasonable access to and examination of all books, records, documents and papers of a public nature in their custody.

975. Sec. 4. Agents and Assistants:—The Public Archives Commission is authorized and empowered to employ such agents or assistants as it may deem necessary for the purpose of carrying out the duties imposed upon it by this Chapter.

976. Sec. 5. State Hall of Records; Use, Furnishing and Regulation:—The Public Archives Commission shall have the care and control of the State Hall of Records. All books, records, documents and papers of historical or public interest, the custody of which is given to said Commission, as in this Chapter provided, shall be kept in the said State Hall of Records and shall be classified and catalogued for reference. The said Commission is empowered to procure, from time to time, such filing cabinets and other furniture as it may deem essential to carry out the provisions of this Chapter.

977. Sec. 6. Publications; Distribution and Sale Thereof:—The Public Archives Commission, from time to time as it may deem advisable, is empowered to publish any records, document and papers, or parts thereof, within its custody; or pamphlets, brochures and books pertaining to said records, documents and papers, or relating in general to the history of Delaware. Such publications may be distributed gratis in such numbers as the requirements of its exchange list with State, University, and other public libraries or historical societies may, in the discretion of said Commission, necessitate.

Copies of said publications may be sold by the said Commission to the general public for such price per copy as the Commission may determine, and the proceeds therefrom, accompanied by a detailed statement, shall be paid to the State Treasurer on or before June 30th of each year.

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978. Sec. 7. Annual Report:—The Public Archives Commission shall make an annual report to the Governor on the first day of July each year, setting forth its activities for the next preceding year.

Section 2. The present members of the Public Archives Commission shall continue and remain in office until the expiration of the respective terms for which they were appointed.

Section 3. All acts or parts of acts inconsistent with this Act are hereby repealed.

Approved April 18, 1935.

CHAPTER 106

STATE HIGHWAY DEPARTMENT

AN ACT TO AMEND CHAPTER 63 OF VOLUME 29, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE STATE HIGHWAY DEPARTMENT.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all members elected to each branch thereof concurring therein):

Section 1. That Chapter 63 of Volume 29, Laws of Delaware, as amended by Chapter 54 of Volume 32, Laws of Delaware, and as further amended by Chapter 66 of Volume 35, Laws of Delaware, be and the same is hereby further amended by striking out and repealing Section 15 thereof, and by inserting in lieu thereof a new Section, to be styled Section 15, as follows:

Section 15. That the said Department shall, within thirty days after the passage of this amendment, prepare a budget for the fiscal year ending June thirtieth, 1936; and shall, upwards of thirty days before the thirtieth day of June of each year, prepare a budget for the next succeeding fiscal year.

It shall estimate the probable amount of revenue which it will have for its use during the fiscal year 1936, and during each succeeding year, from all sources, basing its estimate for the budget of 1936 upon available appropriations of the General Assembly and the revenues and experiences of the fiscal year 1935, and for each succeeding year, upon available appropriations of the General Assembly and the revenues and experiences of the year during which the budget shall be made. It shall estimate the probable cost of maintenance of its organization, such as the salaries of its regular and usual employees, its offices, and the expenses thereof, and such other expenses as are commonly known as overhead expenses; and the fixed charges, if any, of any State Highways constructed or reconstructed from the proceeds of bonds issued under the provisions of any Act relating to the said department, itemized; and the estimated costs of maintenance of any State highways which have

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not been constructed or reconstructed from the proceeds of such bonds. If there is any excess of revenue for the year 1936, or for such succeeding year, estimated as aforesaid, the said department may proceed, to ascertain what amount of money, if any, such excess of revenue will warrant being borrowed for the construction or reconstruction of State Highways. No amount shall be borrowed greater than an amount upon which such excess of revenue will pay the fixed charges on such highways as it is proposed to construct or reconstruct from the proceeds of bonds proposed to be issued. If it should be found that such excess of revenue warrants the borrowing of any money, and the budget is certified to by a certified public accountant selected by the department and approved by the Auditor of Accounts, the said department shall certify to the Governor, the Secretary of State and State Treasurer, the said budget and the certification of such accountant and the amount which said excess of revenue shall warrant to be borrowed, and the said Governor, Secretary of State and State Treasurer shall, and they are hereby authorized and directed to sell, execute and deliver bonds in conformity with the provisions of this Act, to an amount so certified by the Department as warranted to be borrowed, upon the further request of said Department, that bonds to such amount be sold.

If, at the end of any year there are any monies resulting from annual appropriations unexpended and to the credit of the Department, it may use such monies for any of the purposes of this Act, but it shall not include the amounts of such monies in ascertaining the excessive revenue in its budget.

Section 2. That the said Chapter 63 of Volume 29, Laws of Delaware, as amended as aforesaid, be and the same is hereby further amended by striking out and repealing Section 16 thereof, and by inserting in lieu thereof a new Section to be styled Section 16, as follows:

Section 16. That the bonds issued under the authority of this Act shall be in denominations of one hundred (\$100.00) dollars, or multiple thereof, with coupons thereto attached for each one-

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half year's interest thereon. The said bonds shall be numbered consecutively, and shall be dated the first day of January of the year in which they shall be requested to be sold by the Department, in accordance with the provisions of Section 19 hereof. They shall bear interest from and after that date at a rate not exceeding four and one-half ($4\frac{1}{2}\%$) per centum per annum, interest payable semi-annually, on the first day of January and July in each year in which such bonds remain unpaid, at the Farmers' Bank of The State of Delaware, at Dover, upon presentation of a coupon representing such semi-annual interest.

The principal of said bonds shall be payable at said bank forty years after the date thereof, or payable serially within forty years, each serial or annual payment to be approximately one-fortieth of the total amount currently authorized and to be issued. Payment shall be made on presentation and surrender of said bonds, but the said bonds or any of them may be redeemed, at the option of the State, at the rate of one hundred and five per centum (105%) of the principal debt of the bond redeemed, on any first day of January or first day of July after the said bond or any of them shall have been issued one year, upon thirty days' notice published in one newspaper in the City of Philadelphia, and one newspaper published in the State of Delaware, indicating by their numbers the bonds thereby called and elected to be redeemed. The denomination, form and rate of interest shall be as decided by the Governor, Secretary of State and State Treasurer, or a majority of them.

All said bonds shall be signed by the Governor, Secretary of State, and State Treasurer, on behalf of The State of Delaware, and shall have the Great Seal of the State impressed thereon.

The signature of the said Treasurer shall be engraved, printed or written on such coupon, and when printed or engraved shall have the same effect as if written, and the coupon attached to each bond shall be numbered consecutively, and bear the number of the bond to which it is attached to identify it therewith.

The Governor and the State Treasurer and the Secretary of State at any and at all times, upon the recommendation of the State

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Highway Department, shall have the power and authority, when they deem it advisable, to redeem and/or refund any or all bonds theretofore issued at a specified redemption rate, and to issue a like amount of new or refunding bonds in lieu thereof, and apply the proceeds from the sale thereof to the payment of the bonds redeemed.

If bonds are issued in serial form, whereby the principal of one-fortieth of the authorized issue is payable each and every year thereafter, the State Treasurer shall annually deduct from the monies appropriated for the use and purposes of the said Department such an amount as shall be necessary to pay the principal on all bonds due during the current fiscal year, and such money so deducted shall be so used by the State Treasurer; and the provisions of Section 14 of this Act, requiring an annual deduction for payment into the sinking fund of the State, shall not apply to any such serial bonds.

Section 3. That the said Chapter 63 of Volume 29, Laws of Delaware, as amended as aforesaid, be and the same is hereby further amended by striking out and repealing Section 17 thereof, and by inserting in lieu thereof a new Section to be styled Section 17, as follows:

Section 17. That the said bonds shall be substantially in the following form, to-wit:

United States of America

The State of Delaware

No.....

State Highway Loan of 19....

These presents certify and make known that The State of Delaware is held and firmly bound unto the bearer in the sum ofDollars (\$.....), lawful money of the United States of America, which the said State promises and binds itself to pay to the bearer at the Farmers' Bank of The State of Delaware, at Dover, on the first day of January, A. D.

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19....., with interest at the rate of per centum, per annum, likewise payable at the Farmers' Bank of The State of Delaware, at Dover, on the first days of January and July of each and every year, while the said principal sum remains unpaid, upon the presentation of the coupon as hereto annexed representing such semi-annual installments of interest, provided, however, and it is expressly stipulated, that the said State reserves the right and power at its option to call in, pay and redeem this bond at the rate of one hundred and per centum of the principal debt hereof on the first day of January and July in or after the year A. D. 19..... pursuant to the notice in that behalf prescribed by an Act of the General Assembly under authority of which this bond is issued; and provided further, that when this bond shall be called by the notice aforesaid, interest hereon shall cease to accrue from and after the first day of January or July (as the case may be) next succeeding the date of such notice.

Dated at Dover the first day of January, A. D. 19.....

Witnesseth the Great Seal of The State of Delaware, and the hands of the Governor, Secretary of State and State Treasurer, the day and year aforesaid.

Governor

Secretary of State

State Treasurer

And the coupons shall be in the following form, to-wit:

No.....

The State of Delaware will pay to the bearer at the Farmers' Bank of The State of Delaware, at Dover, on the first day of, A. D., the sum of

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.....Dollars, for six months' interest on bond
No..... State Highway Loan of 19.....

Dated January 1, 19.....

.....
State Treasurer

It shall be the duty of the State Treasurer to provide a record of the proper size and form to be retained in his office so ruled as to afford a separate space for each coupon and the space at the top of each page of said record for each bond when paid, and each space at the top of said record shall bear the same number or class as the bond, the record whereof is intended to be preserved. As the said coupons are paid, it shall be the duty of the State Treasurer to mark the same in red ink across the face "Paid", cut each of them in two lengthwise, paste the pieces in the aforesaid spaces for each coupon in the record aforesaid, and as the said bonds shall be paid and redeemed the State Treasurer shall cause the same to be cancelled by making lines with red ink through the signatures of the Governor, Secretary of State and State Treasurer, also by writing across the face thereof, in red ink, the word "This bond paid and redeemed this.....day of..... A. D....."

.....
State Treasurer

When paid and redeemed the said bonds shall be pasted in the proper spaces aforesaid.

Section 4. That the said Chapter 63 of Volume 29, Laws of Delaware, as amended as aforesaid, be and the same is hereby further amended by striking out and repealing the second paragraph of Section 20 thereof, and by inserting in lieu thereof a paragraph as follows:

The State Treasurer is hereby authorized and directed to disburse monies in the State Treasury to the credit of the department

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upon its warrants signed by the Chairman and the Secretary or the chief engineer, stating the use of the monies for which such warrant calls and in accordance with the provisions of Section 20, of Chapter 15, of the Revised Code, provided that no funds resulting from the sale of bonds herein provided for shall be expended or used except for the construction or reconstruction of the State Highways as aforesaid, provided, nevertheless, that such funds from the sale of said bonds may be used for the construction of Secondary roads, to match Federal funds where required by an Act of Congress of the United States of America.

Approved April 18, 1935.

CHAPTER 107

STATE HIGHWAY DEPARTMENT

CONTROL OF ALL COUNTY ROADS

AN ACT AUTHORIZING AND DIRECTING THE STATE HIGHWAY DEPARTMENT TO TAKE OVER THE FULL MANAGEMENT AND CONTROL OF ALL HIGHWAYS IN THE STATE OF DELAWARE NOW UNDER THE MANAGEMENT AND CONTROL OF THE LEVY COURTS OF THE RESPECTIVE COUNTIES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That on and after the first day of July, 1935, all the public roads and highways and bridges in the State of Delaware now under the care and management and control of the Levy Courts of the respective Counties in this State, shall be under the absolute care and management and control of the State Highway Department, and the said Levy Courts shall be relieved of any further responsibility therefor, except that the said Levy Courts or either or any of them, may proceed to carry out any outstanding contract or contracts in reference thereto.

Section 2. That the Levy Courts of the respective Counties, in making up their budgets and fixing the tax rates for the respective Counties, shall omit any tax for road purposes.

Approved March 29, 1935.

CHAPTER 108

STATE BOARD OF CHIROPODY EXAMINERS

AN ACT TO AMEND CHAPTER 66 OF VOLUME 33 OF THE LAWS OF DELAWARE ENTITLED "AN ACT TO REGULATE THE PRACTICE OF CHIROPODY IN THE STATE OF DELAWARE, TO PROVIDE FOR THE ESTABLISHMENT OF A STATE BOARD OF CHIROPODY EXAMINERS, TO DEFINE THE DUTIES AND POWERS OF SAID BOARD, TO PROVIDE FOR EXAMINING AND REGISTERING OF CHIROPODISTS IN THIS STATE, AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ACT", RELATING TO THE PRACTICE OF CHIROPODY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That all of Chapter 66 of Volume 33 of the laws of Delaware entitled "An act to regulate the practice of Chiropractic in the State of Delaware, to provide for the establishment of a State Board of Chiropractic Examiners, to define the duties and powers of said Board, to provide for examining and registering of Chiropractors in this State, and to provide penalties for the violation of this act", be, and the same is hereby amended by repealing all of said chapter and by substituting the following provisions in lieu thereof.

Section 2. Practice of Chiropractic; Definition of:—The diagnosis and the medical, surgical, mechanical, manipulative and electrical treatment of all ailments of the human foot and leg, excepting amputation of the foot or leg or the administration of an anesthetic other than local. Explanation of terms defining Chiropractic. Diagnosis: To ascertain a disease or ailment by its general symptoms. Medical treatment: the application to or prescription for the foot or leg of medicines, pads, adhesives, felt, plasters or any medicinal agency. Surgical treatment: the use of any cutting instrument to treat a disease, ailment or condition. Mechanical treatment: application of any mechanical appliance made of steel, leather, felt or any material, to the foot or in the shoe for the pur-

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pose of treating any disease, deformity or ailment. Manipulative treatment: the use of the hand or machinery in the operation or working upon the foot and its articulations. Electrical treatment: the administration of electricity to the foot or leg by means of electrodes, machinery, rays and the like.

Section 3. There shall be established a Board of Chiropractic Examiners for the State of Delaware. This Board shall consist of three members to be selected from registered and licensed Chiropractors of the State of Delaware. Said members shall be appointed by the Governor for terms of four years respectively and may be removed at any time for good and sufficient cause. Vacancies in said Board shall be filled by the Governor for the unexpired term.

Section 4. From and after the passage of this act any person not holding a certificate to practice Chiropractic in this State shall make an application upon a blank form authorized and furnished by the State Board of Chiropractic Examiners and file same with said Board for an examination, accompanied by a fee of twenty-five (\$25.00) dollars together with satisfactory proof that he or she is more than twenty-one years of age and of good moral character and that he or she has obtained a preliminary education which is equivalent to a four year course of instruction in an accredited scholastic high school. Such applicant must also have obtained a doctorate degree in Chiropractic upon graduation from an accredited college or university, acceptable to the Board, said college or university requiring as a prerequisite for said doctorate degree a three year course of instruction in Chiropractic which course shall consist of at least eight months of instruction per year and a total of at least thirty-three hundred sixty hours of instruction for said three year course.

Section 5. The Board shall hold two examinations annually for the purpose of examining applicants under this act. The examination shall be held at such time and place as the Board may see fit. The Board may make such rules and regulations as it may deem necessary to conduct its examinations and meetings; it shall provide such books, blanks and forms as may be necessary to con-

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duct said examinations, and shall preserve and keep a complete record of all its transactions; examinations for registration under this act shall be in the English language, written, oral or clinical as the Board may determine, and shall be in the following subjects: Anatomy, Physiology, Pathology, Bacteriology, Chemistry, Diagnosis and Treatment, Clinical Chiropractic and in such other subjects pertaining to the treatment of the foot and leg as the Board within its discretion may determine. No applicant shall be granted a certificate unless he attains a general average of seventy-five or over, and not less than fifty percent in anyone subject. After such examinations, the Board shall without unnecessary delay, act on same and issue certificates to the successful candidates, signed by each member of the Board.

Section 6. An applicant failing to pass examination shall within one year after taking such examination be entitled to re-examination upon the payment of a fee of two (\$2.00) dollars to the Board. Not more than two re-examinations shall be allowed any one applicant, and upon failure to pass the third examination, the applicant must file a new application as provided for in Section 4 hereof before being entitled to another examination.

Section 7. Every person receiving a certificate from the Board shall file same with the Clerk of the Peace of the county in which he or she resides. It shall be the duty of said Clerk of the Peace to register the name and address of each person and the date of each certificate in a book kept for such purpose and the number of the book and the page therein containing such recordation shall appear on the face of the certificate, over the name of said Clerk of the Peace recording same; the person thus registering shall pay to the said Clerk of the Peace a fee of One (\$1.00) Dollar.

Section 8. Applicants registered or certified by the Board of Chiropractic Examiners of other states whose requirements for registration and certification are substantially equal to those of this state, in the discretion of the Board, may upon payment of a fee of Fifty (\$50.00) Dollars be granted a certificate without examination, provided, however, that the provisions of this section shall

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be extended only to applicants from those states which extend a similar privilege to certified and registered Chiropractors of the State of Delaware.

Section 9. The provisions of this act shall not prohibit the fitting, recommending or the sale of corrective shoes, arch supports or similar mechanical appliances by retail dealers or manufacturers, provided, however, that no representative of such dealer or manufacturer shall be permitted to diagnose, treat or prescribe medically for any foot or leg ailment, disease, or deformity unless certified and registered under the provisions of this act and licensed to practice Chiroprody in this state.

Section 10. On and after the passage of this act, it shall be unlawful for any person or persons to incorporate under the laws of this state for the purpose of practicing Chiroprody within this state, and it shall be unlawful for any foreign corporation organized for such purpose, to attempt to practice Chiroprody within this state; but the foregoing shall not apply to accredited Chiroprody Colleges, whose students are receiving their practical training under personal supervision of any licensed Chiropracist of this state.

Section 11. The Board of Chiroprody Examiners may revoke any certificate it has issued, and cause the name of the holder to be stricken from the book of registration by the Clerk of the Peace in the county in which the name of the person, whose certificate is revoked is registered for any of the following causes:

- A. The wilful betrayal of a professional secret.
- B. The making of a false statement in any affidavit required of the applicant for application, examination and registration under this act.
- C. Lending the use of one's name to an unregistered Chiropracist.
- D. Any person habitually indulging in the use of narcotics, ardent spirits, stimulants or any other substance which impairs in-

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tellect and judgment to such an extent as in the opinion of the Board will incapacitate such person from the performance of their professional duties.

E. Conviction of a crime involving moral turpitude.

F. Conduct which in the opinion of said Board disqualifies him or her to practice with safety to the public.

Section 12. The Board may suspend any certificate issued by it for an indefinite period, to be fixed by the Board, for misconduct on the part of a registered Chiropodist which would not in the judgment of the Board justify a complete revocation of the certificate.

Section 13. Any person against whom charges have been made shall be notified of that fact and a copy of the charges shall be sent to him or her by the Board and he or she shall be given a fair and impartial trial by the Board whose decision shall be made by a majority vote of its members.

Section 14. Any person who shall practice Chiropody in this state, or who shall advertise in any form or hold himself out to the public as a Chiropodist, or who shall in any sign or advertisement use the word "Chiropodist" or "Foot Specialist" or "Foot Correctionist" or "Foot Expert" or "Practapedist" or "Podiatrist" or any other term or terms or letters indicating that he is a Chiropodist or that he practices or holds himself out as practicing Chiropody or foot correction in any manner, as defined in this act, without having at the time of so doing a valid, unrevoked certificate as provided for in this act, shall be deemed guilty of a misdemeanor, and upon conviction be punished by a fine of not more than One Thousand (\$1,000.00) Dollars or imprisonment of not more than two years, or both, in the discretion of the Court, for each offense. It shall be the duty of the Attorney General of this state to prosecute violations of the provisions of this act.

Section 15. It shall be the duty of the Police Department of the cities and the Sheriff of each county in the state to see that all

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practitioners of Chiropody in the state are legally registered according to the provisions of this act, and to report to the Attorney General of the state all cases of violations of this act, whereupon the said Attorney General shall promptly prosecute those violating the provisions of this act.

Section 16. This act shall not apply to the commissioned surgeons of the United States Army, Navy, or Marine Hospital service in the actual performance of their official duties, nor to regularly licensed physicians in the state of Delaware, nor to a visiting Chiropodist called into consultation in this state from another state where he is duly qualified under the laws of that state to practice Chiropody.

Section 17. In addition to the application and examination fee of Twenty-five (\$25.00) Dollars as provided for in Section 4 hereof, a fee of Fifty (\$50.00) Dollars in cases of applications of registered and certified Chiropodists of other states, complying with the provisions of Section 8 hereof, each applicant shall be required to pay to the Board the sum of Ten (\$10.00) Dollars for the issuance of a certificate, all of which monies shall constitute a fund from which necessary and legitimate expenses and salaries shall be disbursed, not exceeding Ten (\$10.00) Dollars per day for each member of the Board actually engaged in the performance of duties on behalf of said Board plus any traveling expenses which may be incurred in connection with the performance of such duties.

Section 18. That, if any part or parts, section, sentence, clause, phrase of this act is for any reason declared unconstitutional or invalid, by a Court of competent jurisdiction, such decision shall not affect the validity of this act as a whole, or any portion thereof, other than the part or portion so decided to be unconstitutional or invalid.

Approved April 18, 1935.

CHAPTER 109

DELAWARE STATE EMPLOYMENT SERVICE

AN ACT TO AMEND CHAPTER 108, VOLUME 36, LAWS OF DELAWARE, RELATING TO EMPLOYMENT BUREAU.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 108, Volume 36, Laws of Delaware entitled "An Act providing for an Employment Bureau and Appropriating monies for the Maintenance Thereof", be and the same is hereby amended by striking out all of said Act and inserting in lieu thereof the following:

Section 2 (a) That, in order to promote the establishment and maintenance of public employment offices in Delaware, there is hereby created a bureau to be known as the Delaware State Employment Service, at the head of which shall be a director.

(b) That, at the time the Delaware State Employment Service is ready to begin operations on or before July 1, 1935, the Employment Bureau now existing in the State of Delaware shall be abolished, and all records, files and property (including office equipment) of the existing Employment Bureau shall thereupon be transferred to the Delaware State Employment Service.

Section 3. That the State of Delaware accepts the provisions of the Wagner-Peyser Act, approved June 6, 1933 (48 Stat. 113, United States Code, Title 29, Sec. 49), "An Act to provide for the establishment of a national employment system and for co-operation with the States in the promotion of such systems, and for other purposes", in conformity with Section 4 thereof, and will observe and comply with the requirements of said Act.

That the Delaware State Employment Service is hereby designated and constituted the agency of the State of Delaware for the purposes of such Act. Said Service, its officers and employees are hereby given full power to co-operate with all authorities of the

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United States having powers and duties under such Act, and to do and perform all things necessary to secure to the State of Delaware the benefits of such act, in the promotion and maintenance of a system of public employment offices.

Section 4. (a) That all Federal funds made available to the State of Delaware under said Act of Congress shall be paid into the Treasury of the State and said funds are hereby appropriated and made available to the Delaware State Employment Service to be expended and disbursed as provided by said Act of Congress and by this Act.

(b) That there shall be appropriated out of the Treasury of the State of Delaware from funds not otherwise appropriated the sum of Twelve Thousand Five Hundred (\$12,500.00) Dollars per year. Such funds are necessary to be appropriated in order to secure the full amount allotted to the State of Delaware by the Government of the United States and for the purpose of maintaining public employment services. The aforesaid funds are to provide for the maintenance and expenses of the Delaware State Employment Service, and to be disbursed as needed by the State Treasurer upon warrants signed by the Director, by order of the Bureau hereinafter mentioned.

The money herein appropriated shall be made available on July 1, 1935, for the fiscal year ending June 30, 1936, and then each succeeding first of July for two years, and thereafter such sums shall be made available as the Delaware General Assembly may deem necessary.

Section 5. That it shall be the province and the duty of the Bureau to promote and develop an employment office or system of employment offices, in order:

(1) That employers seeking workers and the unemployed, without cost to either, may be referred to each other;

(2) To provide adequate quarters and facilities for the registration of employees and for the receipt of orders from employers;

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- (3) To provide prior opportunity of employment to Delawareans and citizens of the United States, except when such are unavailable and not qualified;
- (4) To co-operate in the administration of unemployment insurance laws;
- (5) To provide complete responsible records of all applicants;
- (6) To reduce the wageless period between jobs and the resulting drain on savings, credit, and social agencies;
- (7) To develop and operate a technique by which workers in obsolete or similar occupations may be economically absorbed in a gainful occupation;
- (8) To provide facilities by which those in need of rehabilitation or readjustment may be absorbed in private industry with mutual advantage;
- (9) To provide information to juniors and those responsible for their training and influence in choosing the proper occupations;
- (10) To reduce the cost to industry of procurement, sifting out, and turnover;
- (11) To provide existing facilities for government and industry in a period of national emergency;
- (12) To provide for the licensing and regulation of private employment agencies;
- (13) To provide for the clearance of labor to work opportunities between Delaware and the other States;
- (14) To co-operate in the dissemination of employment information and trends, and with other public bodies to the end that

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Governmental administration and legislation will have additional, necessary, and accurate facts for their guidance.

Section 6. That an annual report of the expenditures and activities of the Delaware State Employment Service shall be made by the Director to the Governor.

Section 7. That the Delaware State Employment Service shall be administered by a Bureau of three persons, including the aforesaid Director, designated as such by the Governor. All members of the said Bureau shall be appointed by and serve at the discretion of the Governor by and with the advice of the Advisory Council.

Section 8. That the three members of the Bureau shall be allowed reasonable travelling expenses when performing official business and serve without compensation except the Director, who shall devote full time to the direction and duties of the employment service, and shall receive such salary as the said Bureau, with the advice of the Governor, shall determine, payable monthly. The said Bureau is hereby directed to employ such assistants as it may be deemed necessary to carry out the provisions of this Act.

Section 9. That the said Bureau shall co-operate with the counties, cities and towns of the State, and shall require such local co-operation as it may deem necessary to carry out the provisions of this Act. Any local funds granted for the co-operative maintenance of a local office shall be deposited in the State Treasury and may be withdrawn only by warrants of the Director and only for said purpose.

Section 10. That the Governor shall appoint an Advisory Council in accordance with the regulations of the United States Employment Service and in co-operation with the Director of the United States Employment Service;

- (a) To advise in formulating policies of administration;
- (b) To insure impartiality, neutrality, and freedom from political influence in the administration of the Service;

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(c) To assist in the development of standards for the operation of the Service;

(d) To assist in maintaining the standards established by the United States Employment Service for the selection of the personnel of the State Service;

(e) To discuss problems relating to the Service;

(f) To promote public understanding of the purposes, policies, and practices of the Service.

Section 11. That the said Bureau shall have the power to cause employment agencies being operated for profit within the State to take out an annual State license costing Ten Dollars, to be deposited in the General Fund of the State Treasury. The said Bureau shall make and enforce rules and regulations for the conduct of the said employment agencies, and said rules and regulations shall have the force of law and any violation thereof shall be punishable as a misdemeanor. A certified copy of the said rules and regulations shall be filed in the office of the Secretary of State. Every infraction shall be punishable by fine not to exceed Fifty (\$50.00) Dollars and no less than Five (\$5.00) Dollars. The Bureau may inspect and audit the books and records of the said employment agencies, subpoena said books and records and such persons employed in the conduct of said agencies and such persons placed or seeking placement at employment through said agencies. Said bureau may take the sworn testimony of said person insofar as it does not interfere with their constitutional rights.

Section 12. Constitutionality:—If any clause, sentence, paragraph, or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Approved April 18, 1935.

CHAPTER 110

STATE ATHLETIC COMMISSION

AN ACT TO AMEND AN ACT ALLOWING AND REGULATING BOXING, SPARRING, AND WRESTLING MATCHES AND EXHIBITIONS, BEING CHAPTER 84 OF VOLUME 37, LAWS OF DELAWARE, AS AMENDED, AND REGULATING THE CONDUCT OF SUCH MATCHES, AND PROVIDING FOR LICENSES AND LICENSE FEES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Act entitled "AN ACT allowing and regulating boxing, sparring, and wrestling matches and exhibitions; establishing a State Athletic Commission; and prescribing penalties," being Chapter 84, of Volume 37, Laws of Delaware, as amended, be and the same is hereby amended by striking out and repealing Sections 5, 10 and 17 thereof, and by inserting in lieu thereof three new sections to be styled Section 5, Section 10 and Section 17, as follows:

Section 5. Licenses to Persons and Corporations:—The Commission may, in its discretion, issue a promoter's license to conduct, hold, or give boxing, sparring or wrestling contests, matches, or exhibitions, subject to the provisions of this Act, to any corporation or to any person or persons. Such corporation, person or persons must hold a lease for the premises in or on which any such professional match or exhibition is to be held. In the case of a corporation, all the officers of such corporation must have been bona fide residents of the State of Delaware for at least three years immediately preceding the granting of such license; and in the case of any person or persons, such person or persons must have been a bona fide resident or residents of the State of Delaware for at least three years immediately preceding the granting of such license. No license shall be issued to conduct, hold, or give boxing, sparring or wrestling matches or exhibitions in any city or incorporated town of this State which has adopted or shall hereafter adopt any ordinance prohibiting such exhibitions or matches within

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its corporate limits; provided, however, that when such ordinance prohibiting such exhibitions or matches within said limits has been adopted, or shall hereafter be adopted, no boxing, sparring, or wrestling matches or exhibitions shall be conducted, held, or given within five miles of said corporate limits.

Section 10. Regulation of Conduct of Matches or Exhibitions:—No corporation or person or persons to whom has been issued a license under the provisions of this Act to conduct, hold or give boxing, sparring or wrestling contests, matches, or exhibitions shall be permitted to give more than one such exhibition within any period of twenty-four (24) hours. In no event shall such professional boxing or sparring exhibition consist of more than a total duration of forty rounds; provided, however, that no contest in any exhibition shall be of more than ten (10) rounds in length. In all boxing or sparring contests or exhibitions the rounds shall be not more than three (3) minutes each. No boxer shall be allowed to participate in more than one contest within any twenty-four (24) consecutive hours, nor shall more than two contestants engage in any one wrestling or boxing contest. The Commission may, in respect to any contest or in respect to any class of contestants, limit the number of rounds of a contest within the maximum of ten (10) rounds. At each boxing, sparring or wrestling contest or exhibition there shall be in attendance, assigned as provided for by the Commission and at the expense of the corporation or person or persons licensed to hold such exhibition, a duly licensed referee, who shall direct and control the same. The referee shall have the power, in his discretion, to declare forfeited any remuneration or purse, or part thereof, of any contestant, or to fine any contestant, if, in his judgment, such contestant is not honestly competing, or for any violation of the rules and regulations of the commission for the control of such contests or exhibitions; provided such fine or forfeiture may be subject to review and adjudication by the commission. Any remuneration or purse, or part thereof, so forfeited, or any fine so collected, shall be paid into the State Treasury for the use of the Commission. There also may be in attendance, assigned as provided for by the Commission and at the expense of the corporation or person or persons licensed to hold

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such exhibition, duly licensed judges. The referee, or the judges, or the referee and judges, shall at the termination of each boxing, sparring or wrestling contest render a decision according to the procedure set out in the rules and regulations of the Commission. Each boxer shall wear during such contest gloves weighing not less than five (5) ounces if such contestant is a light weight or in a class of less weight, and not less than six (6) ounces if such contestant is in a class heavier than the light weight class.

Section 17. License Fees:—Each applicant for a license as required by Section 5 hereof shall, before a license is issued by the Commission and annually thereafter during the life of such license, pay to the Commission a license fee for each calendar year as follows: Promoter's license in cities of one hundred thousand population or over, Two Hundred Dollars (\$200.00); promoter's license in cities of five thousand population and less than one hundred thousand population, One Hundred Dollars (\$100.00); promoter's license, in cities of less than five thousand population, and elsewhere, fifty dollars (\$50.00); and each applicant for a promoter's limited license, which license shall be valid for one exhibition or show only, shall, before a license is issued by the Commission, pay to the Commission a promoter's license fee of not less than Ten Dollars (\$10.00) and not exceeding Fifty Dollars (\$50.00), as the Commission shall determine. Each applicant for a license to participate in any boxing, sparring, or wrestling contest, match or exhibition, in which the contestants are professionals, shall, if a license therefor be granted, pay to the Commission a license fee not exceeding the following amounts, as the Commission shall determine: physicians, Ten Dollars (\$10.00); judges, Five Dollars (\$5.00); timekeepers, Five Dollars (\$5.00); professional boxers, Five Dollars, (\$5.00); professional wrestlers, Five Dollars (\$5.00); managers, Fifteen Dollars (\$15.00); referees, Twenty-five Dollars (\$25.00); matchmakers, Twenty-five Dollars (\$25.00); trainers, Five Dollars (\$5.00); seconds, Five Dollars (\$5.00). All such licenses shall expire at the end of the calendar year in which they are issued unless otherwise provided.

Approved April 18, 1935.

CHAPTER 111

MILK CONTROL COMMISSION

AN ACT TO CREATE A MILK CONTROL COMMISSION FOR THE STATE OF DELAWARE AND PRESCRIBING ITS POWERS AND DUTIES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 59, Volume 38, Laws of Delaware, creating a milk Commission, be and the same is hereby amended by adding thereto a new paragraph to Section 4 of said Chapter 59, Volume 38, Laws of Delaware, to be known as Section 4A.

Section 4A. In the event a judgment is obtained against any milk dealer, which for the purpose of this Act shall imply any individual, co-partnership, firm, corporation, or other association of persons who purchase for re-sale or sale within the State of Delaware milk, which shall mean fluid milk or cream, fresh or sour, whole milk, skim milk, ice cream, ice cream mix, or further condensed or concentrated form of milk, as a result of any litigation or lawsuit instituted in any of the Courts of the State of Delaware, and said judgment so obtained against such dealer is not paid for with all costs within thirty (30) days from the obtaining of such judgment, the said dealer shall be obligated to file with the milk commission for the State of Delaware a surety bond in an amount not in excess of twenty-five per cent (25%) of the volume of said milk dealer's business annually, for the faithful performance of his future business of milk purchasing, either expressed or implied.

Section 2. This Act shall become effective immediately upon its becoming a law of the State of Delaware.

Section 3. That the term of office of the members of the "Milk Commission" appointed under the provisions of Section 2 of Chapter 59, Volume 38, Laws of Delaware be extended for two years beyond the date of the expiration of their present terms.

Approved April 15, 1935.

CHAPTER 112

DELAWARE RACING COMMISSION

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE REGULATION, CONTROL AND LICENSING OF HORSE RACING IN THE STATE OF DELAWARE, TO CREATE A DELAWARE RACING COMMISSION, AND TO PRESCRIBE ITS POWERS AND DUTIES AND PROVIDING FOR SALARIES AND EXPENSES THEREFOR, AND TO PROVIDE FOR THE FEES TO BE CHARGED AND TAXES TO BE COLLECTED FOR THE CONDUCT OF HORSE RACING WITHIN THE STATE OF DELAWARE AND THE DISPOSITION THEREOF", BEING CHAPTER 62 OF VOLUME 38, LAWS OF DELAWARE.

WHEREAS, Section 17 of Article II of the Constitution of the State of Delaware relating to the sale of lottery tickets, pool selling and other forms of gambling has been amended; and

WHEREAS, it is the purpose and intent of this Act to make effective this amendment, without uncertainty or delay.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That an Act entitled "AN ACT TO PROVIDE FOR THE REGULATION, CONTROL AND LICENSING OF HORSE RACING IN THE STATE OF DELAWARE, TO CREATE A DELAWARE RACING COMMISSION, AND TO PRESCRIBE ITS POWERS AND DUTIES AND PROVIDING FOR SALARIES AND EXPENSES THEREFOR, AND TO PROVIDE FOR THE FEES TO BE CHARGED AND TAXES TO BE COLLECTED FOR THE CONDUCT OF HORSE RACING WITHIN THE STATE OF DELAWARE AND THE DISPOSITION THEREOF", being Chapter 62 of Volume 38, Laws of Delaware, be and the same is hereby amended by striking out and repealing Sections 3, 5, 6, 13 and 16 thereof, and by inserting in lieu thereof respectively the following new Sections to be known as Sections 3, 5, 6, 13 and 16:

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Section 3. Before entering upon the discharge of the duties of his office, each member of the Commission shall take oath that he will well and faithfully execute all and singular the duties appertaining to his office according to the laws of the State and the rules and regulations adopted in accordance therewith, and, until wagering or betting on horse races shall be licensed under this Act by the Commission, shall give bond to the State of Delaware with personal or corporate security or securities approved by the Governor in the penalty of One Thousand Dollars (\$1,000.00), and upon the licensing of wagering or betting on horse races at any race track, shall give bond to the State of Delaware with personal or corporate security or securities approved by the Governor in the penalty of One Hundred Thousand Dollars (\$100,000.00), with the condition that he will well and faithfully execute and perform all and singular the duties appertaining to his office according to the laws of this State and the rules and regulations adopted in accordance therewith. Every such bond, when duly executed and approved, shall be filed in the office of the Secretary of State of the State of Delaware, and certified copies under the seal of the said Secretary of State may be used as evidence in any Court of this State. It shall be the duty of the Governor at all times when, in his opinion, the security or securities of any member of said Commission shall become or are likely to become invalid or insufficient, to demand and require such member of said Commission forthwith to renew his bond to the State of Delaware with security or securities to be approved by the Governor, in the penalty and according to the form prescribed in this section. Any member of said Commission who shall fail to take oath and give bond with security or securities as aforesaid, within thirty days of the date of his appointment, or who shall fail to renew his bond with security or securities as aforesaid, within thirty days after the same shall have been demanded and required by the Governor, shall be deemed to be guilty of neglect of duty and shall be removable as hereinbefore provided.

Section 5. The salary of the Commission shall be One Dollar (\$1.00) per annum until the Commission shall have issued a license for the making, conducting and selling of a pool or pools by the

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use of pari mutuel machines or totalizators under the provisions of this Act, and thereafter the salary of the members of the Commission shall be Five Hundred Dollars (\$500.00) per annum. The salaries of clerks and other employees, and the rental of offices, and other expenses of the Commission shall not exceed the sum of Three Thousand Dollars (\$3,000.00) per annum.

Any person or persons, association or corporation who shall be granted a license by the Commission to conduct a race meeting within the State of Delaware for any calendar year shall, at the time such license is granted, pay to the said Commission a fee of Five Thousand Dollars (\$5,000.00).

Any person or persons, association or corporation, upon applying to the Commission for the granting of specified days during which racing may be conducted under this Act during any calendar year, shall, at the time of such application pay to the said Commission a fee of Three Thousand Dollars (\$3,000.00).

Section 6. No person or persons, association or corporation shall thereafter hold or conduct any meeting within the State of Delaware whereat horse racing shall be permitted for any stake, purse or reward, except such person, association or corporation as shall be licensed by the Commission as hereinafter provided.

Section 13. Before the thirtieth days of June and December in each year, the Commission shall prepare and file with the State Treasurer a full and complete statement of its receipts and disbursements from all sources and shall pay over to the Treasurer of the State all monies in their hands, less the salaries and expenses of the Commission, less any other remittances herein provided; provided that the Commission may reserve and use any amount paid to it under the provisions of Section 5 of this Act for defraying the expenses of the Commission as defined in said Section until there shall have been paid to the Commission a further fee or fees under said Section 5, at which time the Commission shall pay over to the Treasurer of the State of Delaware any balance remaining in its hands from a fee or fees theretofore paid to it under said Section.

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Section 16. Within the enclosure of any horse race meeting licensed and conducted under this Act, but not elsewhere, the wagering or betting on horse races by the use of pari mutuel machines or totalizators is hereby authorized and permitted.

The Delaware Racing Commission shall have power in its discretion, to grant a license or licenses to any person, firm or corporation, to make, conduct and sell pools by the use of pari mutuel machines or totalizators, for the purpose of receiving wagers or bets on horse races within the enclosure of any race meeting licensed and conducted under this Act, but not otherwise, under such regulations as the Commission shall prescribe.

The Commission shall have power to prescribe regulations governing the granting of applications for licenses, the granting of licenses, and the conditions under which any licensee may conduct, sell or make any such pool.

The qualification of any licensee shall be such as to afford a reasonable belief that the licensee will be financially responsible and will conduct the business of operating said pools in a proper and orderly manner. A licensee to make, conduct and sell pools by the use of pari mutuel machines or totalizators, may or may not be a person, association or corporation licensed to conduct a race meeting under this Act.

The Delaware Racing Commission shall have power to require the keeping of books and records by a licensee of a pari mutuel or totalizator pool in such form, or in such manner, as the Commission shall prescribe. The Commission shall also have the power to regulate the duties of any employee of any such licensee, and to visit, investigate, and to place expert accountants and such other persons as it may deem necessary in the office or place of business of any person, corporation or association licensed to operate a pari mutuel or totalizator pool for the purpose of satisfying itself that the Commission's rules and regulations are strictly complied with. The Commission shall also have power to issue, under the hand of its Chairman and the seal of The Commission, subpoenas for the

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attendance of witnesses and the production of books, papers and documents of a licensee, before the Commission, and to administer oath or affirmation to such witnesses whenever in the judgment of the said Commission it may be necessary for the effectual discharge of its duty. If any person shall refuse to obey any such subpoena, or to testify, or to produce any books, papers or documents, then any member of the Commission may apply to the Superior Court of the county in which he or the Commission may be sitting, and, thereupon, the said court shall issue its subpoena requiring said person to appear and testify, or to produce such books, papers and documents. Any person failing to obey or refusing to obey a subpoena of the said court shall be deemed guilty of contempt of court and shall be punished accordingly. False swearing on the part of any witness shall be deemed perjury and shall be punished as such.

All licenses for the operation of pari mutuel or totalizator pools shall be revocable at any time, without hearing, in the absolute discretion of the Delaware Racing Commission.

Every person, association or corporation engaged in the business of conducting a race meeting under this Act shall pay to the Delaware Racing Commission, for the use of the State of Delaware, a sum equal to three per cent (3%) of the total contributions to all pari mutuel and totalizator pools conducted or made on any and every race track licensed under this Act, and on every race at such track.

The Delaware Racing Commission may authorize commissions on pari mutuel or totalizator pools to the person, firm, or corporation operating the race meet, provided, however, that in no event and at no track licensed under this Act shall said commissions when added to the amount payable to the Delaware Racing Commission from such pools, for the use of the State of Delaware, exceed six percent (6%) of the total contributions to all pari mutuel or totalizator pools conducted or made upon any track, plus the odd cents of all redistributions to be made on all pari mutuel or totali-

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zator pool contributions exceeding a sum equal to the next lowest multiple of five.

Whoever shall bet or wager, or receive any bet or wager of any money or valuable thing on the result of any race authorized by this Act, except within the enclosure of any race meeting licensed and conducted under this Act and by or through the means of a pari mutuel or totalizator pool, the conduct of which is duly licensed by the Delaware Racing Commission under this Act, shall be fined in a sum not exceeding One Thousand Dollars (\$1,000.00) or imprisoned for a period not exceeding two years, or both, in the discretion of the court.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed so far as such inconsistency exists.

Approved February 6, 1935.

CHAPTER 113

MOSQUITO CONTROL COMMISSION

AN ACT TO PROVIDE FUNDS FOR THE PURCHASE OF NECESSARY EQUIPMENT AND FOR THE MAINTENANCE OF MOSQUITO CONTROL WORK IN THE STATE OF DELAWARE.

WHEREAS, the Mosquito Control Commission appointed under the provisions of Chapter 15, Volume 39, Laws of Delaware, approved by the Governor November 29, 1933, has made great advancement in the control and extermination of mosquitoes and mosquito breeding places, to accomplish which many miles of ditches have been dug through the marsh lands of the State for the purpose of eliminating mosquito breeding; and,

WHEREAS, it is highly necessary that these good results thus far obtained may be continued for the benefit of all the citizens of the State; and,

WHEREAS, said Chapter 15, Volume 39, Laws of Delaware, made no provision for the continuance of the maintenance work of said Mosquito Control Commission after May 29, 1935;

Now, therefore, be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the sum of Five Thousand Dollars (\$5,000.00) annually for the next two years is hereby appropriated for the upkeep and maintenance of the work already accomplished by said Mosquito Control Commission, and for the work which may be accomplished by any successor of said Mosquito Control Commission, and the State Treasurer is hereby authorized and directed to pay the said sum upon warrants signed by the proper officials of the said Mosquito Control Commission, from time to time, and approved by the Auditor of Accounts.

Section 2. That this Act shall be taken to be a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State.

Approved April 12, 1935.

CHAPTER 114

MOSQUITO CONTROL COMMISSION

AN ACT TO CONTINUE THE CONTROL AND EXTERMINATION OF MOSQUITOES IN THE STATE OF DELAWARE, IN THE INTERESTS OF PUBLIC HEALTH AND COMFORT, AND TO CONTINUE TO PROMOTE PUBLIC WORKS PROJECTS IN COOPERATION WITH THE DIRECTOR OF EMERGENCY CONSERVATION WORK, AND TO PROVIDE THE MONEYS NECESSARY FOR CARRYING OUT THE PROJECTS ON BEHALF OF THE STATE OF DELAWARE.

WHEREAS, the General Assembly of the State of Delaware passed an Act entitled "An Act to create a Mosquito Control Commission in the interests of public health and comfort, to promote and encourage public-work projects in cooperation with the Director of Emergency Conservation work, and to provide the moneys necessary for carrying out the projects on behalf of the State of Delaware," said Act being Chapter 15, Volume 39, Laws of Delaware, approved by the Governor November 29, 1933; and,

WHEREAS, the term of the members of the Mosquito Control Commission created by said Act of Assembly was limited to the period of eighteen months from the date of appointment which term will expire on the twenty-ninth day of May, 1935, at which time also the funds providing for the operation of said Mosquito Control Commission will also cease; and,

WHEREAS, the work of said Mosquito Control Commission since its appointment by the Governor has been of great benefit to the citizens of the State, especially those living on or near the shores and water-courses of the State; and,

WHEREAS, it is desirable that a similar Commission for the control and elimination of mosquitoes should be created to maintain the work already done and to continue and enlarge its operations:

Now, therefore, be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:

MOSQUITO CONTROL COMMISSION

Section 1. That a permanent Commission to be known as "Mosquito Control Commission of the State of Delaware" be and the same hereby is created to consist of five members to be appointed by the Governor on or before the twenty-ninth day of May, A. D. 1935, one of said members to be selected from the staff of the Agricultural Experiment Station of the University of Delaware; one to be selected from the State Board of Health of the State of Delaware; and the remaining three to be selected from the public at large, such selections to be made so that not more than three of said members shall be from any one political party. Two of said Commissioners shall be appointed for the term of three years; two for the term of two years, and one for the term of one year; and upon the expiration of the terms of the Commissioners so appointed the Governor shall appoint their successor or successors for a term of three years. In case of a vacancy by death, resignation or otherwise the Governor shall fill said vacancy for the unexpired term.

Section 2. The members of the Commission shall receive no compensation for their services, but each such member shall be entitled to reasonable expenses actually incurred in the performance of their official duties, and all salaries and expenses authorized by the said Commission shall be paid out of the State Treasury in the same manner as other salaries of State officers and employees are paid; provided, however, that the aggregate of all salaries and expenses that are permitted to be authorized and paid out of the State Treasury, under the provisions of this Act, shall not exceed the sum of Eight Hundred Dollars (\$800.00) per month.

Section 3. Within five days after the appointment of the members aforesaid, they shall convene at the State Capitol in Dover, Delaware, at a time to be fixed by the Governor, and organize by electing one of the members to serve as Chairman and annually thereafter said Commission shall elect a chairman from among its members, who shall serve in that capacity until the expiration of his term. Before entering upon the duties of the office, each member of the Commission shall take and subscribe to an oath or affirmation as prescribed by the Constitution of the State of Delaware.

MOSQUITO CONTROL COMMISSION

Three members shall constitute a quorum, and, except as herein otherwise provided, the vote of a majority of the members present shall be sufficient for any action by the Commission.

Section 4. As soon after the organization as is practicable the Commission, at least three members concurring therein, shall employ an Executive Officer and Engineer, who shall be a graduate of some reputable engineering school or college. He shall have direction of all administrative and field work, carry out the policies of the Commission in all contracts between the State Government, Delaware property owners, the Civilian Conservation Corps, or any other agency, Federal or otherwise, engaged in mosquito elimination work in the State. He shall hold office at the pleasure of the Mosquito Control Commission, at least three members concurring, who, by like vote, shall have power to fix his salary, and he shall make detailed reports to the Commission of the work done each month, and the Commission shall make a full and complete report of its activities and accomplishments to the Governor on or before the first day of December of each and every year.

Section 5. The said Commission, at least three members concurring therein, shall employ such engineering and office assistance as shall be deemed necessary to carry out the obligation of the State and shall provide the necessary transportation equipment required. They shall have power to fix the amount of the compensation of assistants and to allow the necessary traveling and field expenses, which are actually incurred in the performance of their official duties.

Section 6. The executive officer and engineer selected by the Commission shall be responsible to the Commission for the control, management and operation of the activities of the Commission.

Section 7. There is hereby appropriated from the State Treasury a sum not in excess of Eight Hundred Dollars (\$800.00) per month for each month of the next biennium, for the purpose of carrying into effect the provisions of this Act, and the State Treasurer is empowered and directed to pay the vouchers signed by the

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proper officials of the said Mosquito Control Commission. Provided, however, that the sum appropriated, in accordance with the provisions of this Section, shall be increased at the rate of One Hundred Dollars (\$100.00) per month for each additional Civilian Conservation Corps, that may be hereafter established, not exceeding three additional corps; and, provided further, that in no event shall the total sum appropriated under this Act exceed the sum of Eleven Hundred Dollars (\$1100.00) per month for each month of the next biennium.

Section 8. That this Act shall be deemed to be a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved April 12, 1935.

CHAPTER 115

TEMPORARY EMERGENCY RELIEF COMMISSION
FOR NEW CASTLE COUNTY

AN ACT TO RELIEVE THE PEOPLE OF NEW CASTLE COUNTY FROM THE HARDSHIPS AND SUFFERING CAUSED BY UNEMPLOYMENT, CREATING AND ORGANIZING FOR SUCH PURPOSE A TEMPORARY EMERGENCY RELIEF COMMISSION, PRESCRIBING ITS POWERS AND DUTIES, PROVIDING THE NECESSARY FUNDS THEREFOR, AND AUTHORIZING THE LEVY COURT OF NEW CASTLE COUNTY TO PERFORM WORK AS AN INDEPENDENT CONTRACTOR FOR THE PURPOSE OF PROVIDING RELIEF HEREBY CONTEMPLATED.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. Declaration of Emergency:—That the public health and safety of the State, and of New Castle County, and each City and Town therein, are imperilled by the existing and threatened deprivation of a considerable number of their inhabitants of the necessaries of life, owing to the present economic depression and the long-continued abnormal degree of unemployment resulting therefrom. Such condition is hereby declared to be a matter of public concern, state and local, and the correction thereof to be a State, County, City and Town purpose, the consummation of which requires the furnishing of public aid to individuals. While the duty of providing aid for those in need, because of involuntary unemployment or for other reasons, is primarily an obligation of the local communities, nevertheless, it is the finding of the State that in the existing emergency the relief and assistance provided for by this Act are vitally necessary to supplement the relief work accomplished or to be accomplished locally and to encourage and stimulate local effort in the same direction. This Act, therefore, is declared to be a measure for the public health and safety and occasioned by an existing emergency. The provisions of any general, special or local law which are inconsistent with this Act or which limit or forbid the furnishing of such assistance as is

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provided by this Act to such persons as are permitted by this Act to receive the same shall not apply to the relief authorized by this Act.

Section 2. *Definitions*:—That as used in this Act, the following words and phrases shall have the meanings respectively ascribed to them in this Section, viz:

“Commission” means the temporary county agency created by this Act, to be known as the Temporary Emergency Relief Commission for New Castle County:

“Work relief” means wages paid by or under the supervision of the Commission to persons who are needy and involuntarily unemployed or whose employment is inadequate to provide the necessities of life for themselves and their dependents, from money appropriated by this Act or contributed under the provisions of this Act, for the performance of services or labor connected with work undertaken by or under the supervision of the Commission:

“Direct relief” means food, shelter, clothing, fuel, light and other absolute necessities furnished under the provisions of this Act, by or under the supervision of the Commission, to needy persons or their dependents in their abode or habitation whenever possible:

“Emergency period” means the period between the date of the enactment of this Act and the first day of April, A. D. 1937.

Section 3. *Administrative Authority*:—The administration of the emergency relief provided by this Act shall be vested in a non-partisan temporary county agency, to be known as the Temporary Emergency Relief Commission for New Castle County, to consist of four members, who shall be known as relief directors, and who shall be appointed by the Governor of the State of Delaware from the citizens and residents of New Castle County. Any vacancy occurring for any cause in the said Commission shall be filled by appointment by the Governor of this State of a citizen and resident

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of New Castle County. The Commission shall organize immediately upon the appointment of its full membership by the election from its members of a Chairman, a Vice-Chairman, and a Secretary-Treasurer, who shall perform the ordinary duties of said offices. It shall, at its meeting for organization, select a place within New Castle County for the establishment of its central office, and the Levy Court of New Castle, and/or the Public Building Commission for the City of Wilmington, and for New Castle County, is hereby authorized and empowered to assign to said Commission, without costs, such office or offices or other suitable available space in the Public Building in Wilmington. If no such space is available, the Commission may rent suitable space for a central office by a lease terminable on thirty days' notice, and said Commission shall have the authority to purchase or otherwise obtain such office furniture and supplies as may be necessary. The Commission may employ, and at pleasure remove, an assistant secretary and such other clerical assistance in the central office as it may deem necessary and may fix the compensation of all such employees. It shall be the duty of the Commission to establish an effective system of investigation and to employ a suitable number of investigators and checkers to detect impostors, and to prevent furnishing work relief or direct relief to those not eligible to receive it under this Act. But no relief director shall be held personally liable for impositions, or for the furnishing of work relief or direct relief to those not eligible to receive it, except such as may be due to his gross carelessness or wilful neglect in the performance of his duties. Each member of the Commission, before entering upon the duties of such office, shall take and subscribe the constitutional oath of office and file the same in the office of the Recorder of Deeds in and for New Castle County. The members of the Commission shall receive no compensation for their services hereunder but shall be allowed their actual and necessary traveling and other expenses incurred by them in the performance of their duties. The Commission shall continue to function only during the emergency period, except that it may complete projects for furnishing work relief begun prior to the expiration of such period and may complete the accounting of its administration of the emergency relief provided by this Act.

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Section 4. Nature of Relief Provided:—The emergency relief provided by this Act shall be confined to work relief and direct relief. No money shall be paid to any person for work relief except in the form of day's wages for day's work or hour's wages for hour's work. All work relief payable under this Act shall be inalienable by assignment or transfer and shall be exempt from levy and execution under the laws of this State.

Section 5:—Plans for Relief and Method of Providing Work Relief:—The Commission shall formulate plans for furnishing work relief and direct relief in said New Castle County. To provide work relief where needed, the Commission may undertake and complete any work of a public nature useful to be done either for the State, or any political sub-division or agency thereof, or any institution supported wholly or partly by the State, provided such work is not otherwise contemplated to be done, does not interfere or conflict with the duties of any other department, agency or political sub-division of the State, does not include the erection or reconstruction of, or any additions to any public buildings, and is consented to by the governing authority of any political sub-division of the State whose consent is necessary to be obtained. Any such work undertaken by the Commission must be of a character that will require a high percentage of wage cost to total cost and will require exclusively hand labor so nearly as possible. To provide such work, the Commission may become a sub-contractor or an assignee of a general highway contractor within this State, and, to perform such work, may act in either such capacity even though such sub-contract or assignment will result in a loss to the Commission. All money received by the Commission from any such sub-contract or assignment shall be deposited in the county treasury and shall be considered and disposed of as a part of the money appropriated by this Act.

Section 6. City or Town Committee:—The Commission shall have the authority, if it deems advisable, to organize in any city, town or community in New Castle County, local or citizens' relief committees, to assist said Commission in the determination of those

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persons eligible to relief and the furnishing of relief thereto as herein provided.

Section 7. Eligibility for Relief. In furnishing work relief and/or direct relief under this Act no discrimination shall be made against any applicant on the grounds of race, color, religious belief, or political affiliations. No such relief shall be furnished except to persons who are in actual need and who are involuntarily out of employment, yet capable and willing to work, or whose employment is not sufficiently remunerative to provide the necessaries of life for themselves and their dependents, and who have been residents of New Castle County for at least one year immediately prior to their applications for relief. The following classes of persons shall not be eligible for relief under this Act, viz.,—those who receive old age pensions from the State; those who receive Mothers' Aid from the State; those who are listed in the State Tax Office as physically or mentally incapacitated from earning a living; those who are incapable of undertaking any regular work; those who have never been regularly employed and have been in whole or in part charges upon the community; those who are provided for by law, private charity or otherwise.

Section 8. Rules:—The Commission shall make and enforce rules, in accordance and consonance with the provisions of this Act, which will best promote the efficiency and effectiveness of the relief which this Act is intended to furnish. None of the money appropriated or provided for by this Act shall be expended or allowed except in accordance with such rules. A certified copy of such rules shall be filed in the office of the Clerk of the Peace for New Castle County, a copy shall be posted on the bulletin board in the Public Building in Wilmington, and posted at least in five other public places in New Castle County, and the rules shall be published two times in daily newspaper published in and having a general circulation throughout said County. The rules so made, certified, filed, posted and published shall have the force and effect of law.

Section 9. Relating to the Furnishing of Relief:—For the

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purpose of furnishing work relief where needed, the commission shall be empowered to purchase, or authorize the purchase, of all such tools, materials and/or supplies as may be necessary for the completion of the work undertaken by the Commission and, whenever deemed necessary, to provide compensation insurance for persons employed. Upon the termination of the emergency period and the completion of all work undertaken by the Commission for the purpose of furnishing work relief under the provisions of this Act, the Commission shall deliver all tools acquired hereunder and all unused materials and supplies to the County Engineer of New Castle County for use by the Engineering Department. In purchasing such tools, materials and/or supplies, as well as in purchasing or authorizing the purchase, by orders issued for that purpose or otherwise, of goods, wares, merchandise or other commodities or services for the purpose of furnishing direct relief, the Commission shall, insofar as practicable, make purchases from merchants of this State and confine its purchases to products of this State. In furnishing work relief the wages shall be paid weekly in cash or by check and the rate to be paid shall be determined in advance for the ensuing week.

Section 10. Contributions:—Contributions may be received or obtained by the Commission or by the relief directors from any source whatsoever and the same shall be deposited and withdrawn as other moneys made available to said Commission as hereafter provided, and shall be used for the general work of said Commission, unless the donors thereof otherwise so express. In addition to the contributions of money, the Commission shall be authorized to receive contributions of office space, office furniture, supplies, food, clothing, and all other goods, wares and merchandise and personal or other services useful in furnishing the emergency relief provided by this Act and to make use of the same, in the Commission's discretion, in carrying out the purposes of this Act. Upon the termination of the emergency period all contributions of other things than money, remaining undisposed of under the provisions of this Act, shall be sold by the Commission and the proceeds paid over to the General Fund of New Castle County.

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Section 11. Records, Accounts, and Reports:—The Commission and the relief director shall keep true and accurate accounts of all money, and of all contributions of other things than money, received and accepted under the provisions of this Act, and also of all expenditures made; and shall also keep faithful records of their acts and proceedings hereunder. Such accounts and records shall be audited at regular periods by the County Comptroller, and the Commission shall make monthly reports of its work to the Levy Court of New Castle County.

Section 12. Blank Forms:—The Commission shall prescribe and furnish such forms of records, accounts, reports, applications and other forms as it may deem advisable for the proper enforcement and administration of the provisions of this Act.

Section 13. General Powers of Administration:—In carrying out any of the provisions of this Act, the Commission, and any person duly authorized or designated by it, may conduct any investigation pertinent or material to the furtherance of its work. The Commission and each person so authorized is hereby empowered to subpoena witnesses, administer oaths, take testimony and compel the production of such books, papers, records and documents as may be relevant to any such investigation. Subpoenas shall be served by the Sheriffs of the counties in which the witnesses reside. The Commission shall have and may exercise such other powers as may be necessary to carry out the provisions of this Act, including the power to call upon any agency or department of the government of New Castle County or of the State of Delaware for information deemed by the Commission to be relevant to the performance of its duties, and every such agency or department is hereby authorized and directed to furnish such information to the Commission, or its duly authorized representative, upon request.

Section 14. Dissolution of Commission on Completion of Work:—The Commission shall be dissolved and cease to function upon the termination of the emergency period or so soon thereafter as it shall have completed all work previously undertaken for

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the purpose of furnishing work relief and settled its obligations and completed its records and accounts. Upon such dissolution all expended* money remaining for the use of the Commission shall fall into and become a part of the General Fund of New Castle County, and shall be so credited; likewise, all tools, materials, supplies and other property remaining unconsumed and directly or indirectly in the physical possession and control of the commission shall be disposed of as elsewhere herein provided. The Commission shall make a full and final report to the Levy Court of New Castle County of its administration of the emergency relief provided by this Act, and of its acts and doings hereunder, and shall at the same time deliver to the Clerk of the Peace for New Castle County all its books, papers, files, records, and documents, which shall be preserved in the office of said Clerk of the Peace.

Section 15. Liberal Construction:—This Act shall be liberally construed to the end that the work of the Commission shall be consummated as equitably and expeditiously as practicable.

Section 16: Violations and Penalties:—A violation of any of the provisions of this Act or of any rule of the Commission, subsequent to the certification, filing, posting, and publishing of such rule as provided herein, shall constitute a misdemeanor and shall be punishable by a fine of not less than one hundred dollars or more than one thousand dollars or by imprisonment for not more than one year or by both such fine and imprisonment. The penalties prescribed by this Section shall not be exclusive, and if a rule be not obeyed, the Commission, by the exercise of any power conferred by this Act, may carry out its provisions.

Section 17. Inconsistent Statutory Powers or Duties:—If a statute, general or special, or any local law or ordinance confers a power, prescribes a duty, or imposes a restriction inconsistent with this Act or with a rule of the Commission made pursuant to this

*So enrolled.

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Act, such power shall not be exercised or such duty or restriction enforced during the emergency period.

Section 18. Appropriation for Emergency Relief:—The Levy Court of New Castle County hereby is authorized and empowered to appropriate any public moneys of said New Castle County, and/or to borrow upon the faith and credit of said New Castle County, by issuing bonds, notes, certificates of indebtedness or any other evidence of debt in such amounts, form or manner, and upon such terms as it may deem advisable for the purposes of this Act, and after the appointment of the Commission herein authorized, shall, on or before the twenty-fifth day of each month appropriate and set aside for the use of said Commission such sum or sums of money as it shall deem advisable, to be used by said Commission for the ensuing calendar month for the purposes of this Act, notice of which shall be immediately certified to the Secretary-Treasurer of said Commission, and the said Commission shall thereupon budget its work for the ensuing month according to the said sum or sums appropriated, and which budget and the expenditures thereunder or obligations incurred shall not exceed the sum so appropriated and set aside. The said Levy Court, in fixing the rate of taxation, shall annually, during the continuance of this Act, and as long as any obligation incurred thereunder is outstanding and payable, provide for a sum deemed by it sufficient to carry out the purposes of this Act, and/or to fully pay and cancel any obligations incurred thereunder.

Section 19. Additional Work Relief:—For the purpose of furnishing work relief in addition to that hereinabove provided for, the Engineer's office of New Castle County is hereby authorized and empowered to execute and perform as an independent contractor the work of clearing, grubbing, grading, planting trees, and drainage incident to the acquisition, construction and improvement of roads in New Castle County, provided, however, that only such persons shall be employed on such work as are certified to the County Engineer's Office by said relief commission, and such persons shall be employed only for such periods of time as the said

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Commission shall certify, but this provision shall in no wise prevent the employment of private contractors for such work. The powers hereby conferred shall be in addition to and not in limitation of the powers possessed or conferred by law upon the County Engineer's Office, and the powers hereby conferred shall cease upon the termination of the emergency period.

Section 20. If in the joint opinion of the Governor of the State and of the Levy Court of New Castle County, it shall be mutually ascertained as advisable that the administrative authority of the emergency relief provided by this Act shall be administered by Relief Commission, Inc., a corporation of the State of Delaware, formerly known as Associated Charities of Wilmington, Delaware, as set forth in Article 6 of Chapter 70 of the 1915 Revised Code of this State, then said Relief Commission, Inc., shall be known as the Commission provided for in this Act instead of the Commission provided for by Section 3 hereof, and all the authority, duties, obligations and powers provided for in this Act shall be conferred on and vested in said Relief Commission, Inc.

Section 21. Constitutionality:—If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 22. Time of Taking Effect:—This act shall take effect immediately.

Approved January 21, 1935.

CHAPTER 116

TEMPORARY EMERGENCY RELIEF COMMISSION
FOR NEW CASTLE COUNTY

AN ACT TO AMEND AN ACT APPROVED JANUARY 21st, 1935, ENTITLED: "AN ACT TO RELIEVE THE PEOPLE OF NEW CASTLE COUNTY FROM THE HARDSHIPS AND SUFFERING CAUSED BY UNEMPLOYMENT, CREATING AND ORGANIZING FOR SUCH PURPOSE A TEMPORARY EMERGENCY RELIEF COMMISSION, PRESCRIBING ITS POWERS AND DUTIES, PROVIDING THE NECESSARY FUNDS THEREFOR, AND AUTHORIZING THE LEVY COURT OF NEW CASTLE COUNTY TO PERFORM WORK AS AN INDEPENDENT CONTRACTOR FOR THE PURPOSE OF PROVIDING RELIEF HEREBY CONTEMPLATED."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That an Act approved January 21st, 1935, entitled: "An Act to relieve the people of New Castle County from the hardships and suffering caused by unemployment, creating and organizing for such purpose a temporary emergency relief commission, prescribing its powers and duties, providing the necessary funds therefor, and authorizing the Levy Court of New Castle County to perform work as an independent contractor for the purpose of providing relief hereby contemplated" be and the same is hereby amended by adding thereto four new sections to be known as Sections twenty-three, twenty-four, twenty-five and twenty-six as follows:

Section 23. Whenever it is so requested the Temporary Emergency Relief Commission shall be required to organize or cause to be organized local advisory committees. Whenever any such local advisory committees shall be so organized it shall be the duty of said Commission to administer relief in the community represented by any such local advisory committee in co-operation with said committee. The said Commission shall furnish to any such local advisory committee as may be organized any information

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touching relief administered in the community when and as requested by any of said local advisory committees.

Section 24. No person shall be entitled to receive relief from the Temporary Emergency Relief Commission who has not been a bona fide resident of New Castle County for at least one year immediately prior to the application for such relief. If it shall appear to the said Relief Commission that any able-bodied person on the relief rolls has been offered work, and in the judgment of said Commission such work was reasonably suitable for said person, and it further appears that said person has refused such work, then and in that case such person shall be stricken from said relief rolls.

Said Relief Commission shall not grant relief to any person owning an automobile unless he shall have surrendered to the said Commission the license tags issued for such automobile; provided, that the said Relief Commission may in its discretion, for cause to be noted in the minutes of said Commission, permit any person to retain said license tags.

Section 25. If it shall appear to said Relief Commission that any person shall have an opportunity to obtain work for part time, or if any person does obtain work for part time and receives pay therefor, such persons' name shall be removed from the relief rolls for such period as she or he may be employed, and the amount of compensation deducted from the amount of relief to which he or she would otherwise be entitled.

Section 26. Any person who shall receive any relief from the Temporary Emergency Relief Commission in violation of any of the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall be punished by a fine not exceeding One Hundred Dollars (\$100.00), or be imprisoned for a term not exceeding thirty (30) days, or both in the discretion of the Court.

Approved April 3, 1935.

CHAPTER 117

WILMINGTON PARK TRUST FUND COMMISSION

AN ACT ESTABLISHING A WILMINGTON PARK TRUST FUND COMMISSION.

Be it enacted by the Senate and House of Representatives of the State of Delaware (two-thirds of all the members elected to each branch thereof concurring therein):

Sec. 1. That there is hereby created and established a Wilmington Park Trust Fund Commission to be under the management of a board of five commissioners to be known as the Wilmington Park Trust Fund Commission.

Sec. 2. Said commission shall consist of three appointive members, with the Mayor and the President of the Board of Park Commissioners of the City of Wilmington at any given time, as ex-officio members. The terms of the appointive commissioners shall be three years, beginning with the first day of July of the respective years, provided that the first three commissioners appointed under the provision of this act shall be appointed for the following terms: one to a one-year term, one to a two-year term, one to a three-year term, all said terms beginning July 1, 1935. Annually thereafter one member shall be appointed to a three-year term. Any vacancy arising on said commission shall be filled for the unexpired term.

Sec. 3. The appointive members of the Wilmington Park Trust Fund Commission shall be appointed prior to July 1, 1935, by the Associate Judge of the Superior Court of Delaware, residing in New Castle County.

Sec. 4. The Wilmington Park Trust Fund Commissioners shall organize during the month of July, 1935, by the election of a president and a vice-president, who shall be members of the commission, and a secretary and a treasurer, who may or may not be members of the commission. The treasurer and such other officers as the Board of Park Commissioners of the City of Wilmington shall from time to time determine shall furnish such bond with

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surety for the faithful performance of their duties as to the said Board of Park Commissioners may seem advisable.

Sec. 5. The Wilmington Park Trust Fund Commission shall adopt rules for its organization and meetings, and for the transaction of its business, except that:

(a) The secretary shall keep a record of the proceedings and transactions of the commission, specifying therein the names of the commissioners at all meetings and give the ayes and noes upon all votes.

(b) The Commission shall act by resolution adopted by a majority of its members, recorded in its minutes with the ayes and noes at length. Such action shall be attested by the signature of the president or vice-president or two members of the commission and by the signature of the secretary of the commission.

(c) The accounts of the commission shall be audited once a year or oftener by a certified public accountant.

(d) The members of the commission shall serve without any compensation.

Sec. 6. The Wilmington Park Trust Fund Commission is hereby authorized and empowered, with the approval of the Board of Park Commissioners of the City of Wilmington, to receive and hold in trust for the Board of Park Commissioners of the City of Wilmington, exempt from taxation, any grant or devise of lands or rights in land, and any gift or bequest of money or other personal property, made for the purpose of the act establishing the Board of Park Commissioners of the City of Wilmington, by any person or corporation. The Commission shall, except when otherwise specified, preserve and invest the proceeds thereof in notes or bonds secured by good and sufficient mortgage or other securities. Said trust property shall be known as the Wilmington Park Trust Fund, and the income shall be used and expended under the direction of the Board of Park Commissioners of the City of Wilmington and subject to its orders.

WILMINGTON PARK TRUST FUND COMMISSION

Sec. 7. If the Commission hereby created should at any time deem it desirable, one or more trust companies operating in the City of Wilmington and specializing in the management of funds of the kind herein referred to may be employed, under such terms and conditions as to the said Commission may seem meet.

Sec. 8. The Commission hereby created shall have power to own, hold, sell, transfer and otherwise deal in real or personal property of any description.

Sec. 9. The Wilmington Park Trust Fund Commissioners shall file an annual report with the Board of Park Commissioners of the City of Wilmington, at the close of each fiscal year, giving a full review of the work of the commission during that year.

Sec. 10. If the said Board of Park Commissioners shall cease to exist and/or if its jurisdiction and powers shall be conferred upon some other legally constituted body, municipal corporation or sub-division thereof, then all the terms of this act shall be carried out with the substitution of the said other legally constituted body, municipal corporation or subdivision thereof for and in place of the said Board of Park Commissioners and such successor or successors of the said Board of Park Commissioners shall be vested with the same power to receive the proceeds of the said trust funds as is herein before given to the Board of Park Commissioners.

Sec. 11. The Board of Park Commissioners may turn over to the Wilmington Park Trust Fund Commission any bequest, gift or devise which it has received or which it may in the future receive, either for a specific purpose or for general purposes.

Approved March 25, 1935.

CHAPTER 118

HARBOR MASTER—PORT OF LEWES

AN ACT PROVIDING FOR THE APPOINTMENT OF A HARBOR MASTER FOR THE PORT OF LEWES AND THE LEWES AND REHOBOTH CANAL, DELAWARE.

WHEREAS, There is no Harbor Master at the Port of Lewes and for the Lewes and Rehoboth Canal, Delaware, which is an old custom at other ports for qualified and reliable persons to be appointed and act as Harbor Masters in order to protect the interest of the ports and to give assistance and advice to the Masters, Owners and Agents of all vessels who may desire same; and

WHEREAS, There are residents of Lewes, Delaware, who are well qualified to hold such a position as Harbor Master for the Port of Lewes and the Lewes and Rehoboth Canal, Delaware; now therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That a qualified resident of Lewes, Delaware, be appointed by the Governor of the State of Delaware, as Harbor Master for the Port of Lewes and the Lewes and Rehoboth Canal, Delaware, without pay or any cost whatever to the State of Delaware, for the term of six years.

Section 2. Whenever the advice or services of the said Harbor Master may be required or requested by the Master, Owner or Agent of any boat or vessel that may enter the Port of Lewes and the Lewes and Rehoboth Canal, the fee for such advice or services as the said Harbor Master may be able to give or render shall not exceed Ten Dollars (\$10.00).

Approved March 29, 1935.

CHAPTER 119

DELAWARE-NEW JERSEY BOUNDARY COMMISSION

AN ACT PROVIDING FOR THE APPOINTMENT OF COMMISSIONERS TO MEET COMMISSIONERS OF THE STATE OF NEW JERSEY IN RELATION TO THE BOUNDARY AND JOINT DUTIES IN THE DELAWARE RIVER BETWEEN THE STATE OF DELAWARE AND THE STATE OF NEW JERSEY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Governor be and he is hereby authorized and empowered, if in his judgment deemed advisable, to appoint as Commissioners on the part of this State (and to fill any vacancies that may occur) to meet with the Commissioners, if and when appointed by competent authority of the State of New Jersey, the Attorney General of this State and the Counsel of the State of Delaware acting under the provisions of Chapter 277, Volume 36, Laws of Delaware.

The Commissioners so appointed on behalf of this State shall have full power and authority to make and conclude an agreement between the said State of Delaware and New Jersey, respecting taxation, civil and criminal jurisdiction, and any other question relating to boundary and jurisdiction of this State and of the State of New Jersey in the Delaware River. Said Commissioners shall report to the next General Assembly as to their deliberations, and at the same time submit a draft of such legislation, if any, as may be necessary to carry such report into effect.

Section 2. That any agreement so made by the Commissioners shall not be binding on the State of Delaware until ratified and confirmed by the General Assembly of the State of Delaware and the Legislature of the State of New Jersey, respectively, and consented to by the Congress of the United States.

Section 3. That so much of the money appropriated by the provisions of Chapter 3, Volume 39, Laws of Delaware, to pay the

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costs and expenses incident to the suit of the State of New Jersey against the State of Delaware to determine the boundary between the States as shall not be required for the payment of such costs and expenses is hereby appropriated for the purpose of defraying the necessary expenses of said Commissioners incurred in the performance of their duties, and the said appropriation so made in said Chapter 3, Volume 39, Laws of Delaware, shall continue in force, both for the purpose of paying the costs and expenses incident to said boundary suit and for the purpose of defraying the necessary expenses of said Commissioners, until January 1, 1937.

Section 4. That the Governor of this State shall transmit to the Governor of the State of New Jersey a copy of this Act, and request him to communicate to the Legislature of that State.

Approved April 12, 1935.

CHAPTER 120

"TRADE BOARD" FOR THE CLEANING, DYEING
AND PRESSING TRADE

AN ACT TO REGULATE, CONTROL AND LICENSE THE CLEANING, PRESSING AND DYEING TRADE IN THE STATE OF DELAWARE AND TO CREATE A TRADE BOARD WITH RESPECT TO THE REGULATION, CONTROL AND LICENSING THEREOF.

WHEREAS, an emergency, caused by an abnormal disruption of economic conditions in all lines of trade and industry, and particularly productive of wide-spread disorganization of the cleaning, pressing and dyeing trade, which emergency affects the public welfare of the people throughout the State, is hereby declared to exist; and

WHEREAS, the protection of the public welfare demands an effective regulation of the cleaning, pressing and dyeing industry, the standardization of work, the establishment of a proper responsibility on the part of members of said trade to the public at large, and the establishment of proper sanitary conditions in said trade; and

WHEREAS, the general purpose of this law is to promote and protect the public welfare and to eliminate unfair, unsanitary and demoralizing trade practices;

Therefore, be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:

Section 1. That a Board for the cleaning, dyeing and pressing trade be and the same is hereby created, to be known as the "Trade Board." Said Board shall consist of five members, to be appointed by the Governor of the State, each of whom shall have been a resident of this State at the time of the passage of this Act for five consecutive years. One of said members shall be a "retail dealer", one of said members shall be a "wholesale dealer", one of said members shall be a "retail plant owner", as said terms are defined

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herein, and two of said members shall be appointed from the public at large. The members of said Trade Board shall receive as compensation for their services the sum of Ten Dollars for each day engaged in the performance of the duties thereof, not to exceed, however, the sum of Thirty Dollars in any one month. The Board shall have authority to appoint one of its members as secretary thereof, who shall hold office during the pleasure of the Board, said secretary to receive an additional allowance of Five Dollars for each day he is engaged in the performance of the duties of the Board, not to exceed, however, an additional sum of fifteen dollars in any one month. Out of the funds made available by the provisions of this Act, the Board may expend, in addition to the salaries herein provided, an additional sum not to exceed the sum of Five Hundred Dollars per annum for the expenses incident to the administration of this Act.

Section 2. When used in this Act, unless the context otherwise requires, the following definitions shall apply:

"Trade Board" means the State agency created by this Act, for the cleaning, pressing and dyeing industry.

"Retail Dealer" means a person, firm or corporation engaged in operating a cleaning, pressing or dyeing establishment where the services of dry cleaning, pressing or dyeing are offered for sale directly to the consumer, but where any part of said services is not performed by such retail dealer. This term excludes "wholesale dealer" and "plant owner" as hereinafter defined.

"Wholesale dealer" means any person, firm or corporation engaged in operating a cleaning or dyeing establishment where such work is performed solely for retail dealers as above defined and where such services are not offered by such wholesale dealer directly to the consumer.

"Retail plant owner" means a person, firm or corporation engaged in business as a retail dealer as above defined, but which

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such plant owner performs such services without letting any part thereof to a wholesale dealer as above defined.

"Cleaning, pressing or dyeing establishment" and "cleaning or dyeing establishment" means any place where the service of dry cleaning, wet cleaning as a process incidental to dry cleaning, dyeing, spotting and/or finishing any fabric is rendered for hire, or is sold, resold or offered for sale or resale. The term does not, however, include establishments where any such services are performed solely in the course of the original manufacture of fabrics.

"Fabric" means any article of wearing apparel (including hats), household furnishings, rugs, textile, fur and leather.

"Dry cleaning" means the process of cleaning fabrics by immersion and agitation, or by immersion only, in volatile solvents, and processes incidental thereto.

"Spotting" means the process designed to remove spots or stains which remain in a fabric after it has been subjected to the other processes of dry cleaning.

"Finishing" means the process of pressing and/or reshaping any fabric, which is designed to restore as nearly as possible the shape, dimensions and contour of said fabric.

"Sanitation" with respect to the cleaning, pressing and dyeing industry means the methods and processes of cleaning, dyeing and finishing fabrics as herein defined, in accordance with the approved rules and regulations prescribed by the Board.

Section 3. The functions, duties and powers of the "Trade Board" shall be as follows:

(1) To adopt and promulgate rules and regulations not inconsistent with the provisions of this Act or of the laws of the

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United States, or of the State of Delaware. All such rules and regulations shall have the force and effect of law.

(2) To establish by such rules and regulations an effective control of the businesses of cleaning, dyeing and finishing of fabrics as herein defined within the State of Delaware, including the time, place and manner in which such work and services shall be performed and sold to the public, not inconsistent with the provisions of this Act.

(3) To grant licenses to conduct the businesses of "retail dealer", "wholesale dealer" and "retail plant owner" in accordance with the provisions of this Act. The Trade Board may decline to grant a license, or may suspend or revoke a license already granted upon due notice and after hearing, on the grounds of any violation of the provisions of this Act, or of the rules and regulations of the Trade Board, provided however that any party aggrieved shall have the right to appeal from the decision of the Trade Board, in the event of a refusal to grant or the suspension or revocation of any license, to the Superior Court of the State of Delaware, for the County in which the place of business of the aggrieved party is located. Such appeal shall not, however, operate as a supersedeas with respect to the decision or ruling of the Trade Board in the refusal to grant, or the revocation or suspension of such license.

(4) In administering the provisions of this Act the Trade Board shall have the power to conduct hearings, subpoena witnesses and examine such witnesses under oath, examine books, records and accounts of persons, firms and corporations engaged in the businesses herein defined. Any member of the Trade Board or its representative shall have access to and may enter at all reasonable hours all of the places where the businesses herein defined are conducted.

(5) The Trade Board shall have power to act as mediator or arbitrator to settle any controversy or issue that may arise among

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or between any of the persons, firms or corporations engaged in the businesses as defined in this Act and/or consumers, any of whom may petition the Trade Board in writing concerning violations of any of the provisions of this Act, or of the rules and regulations of the Trade Board, or concerning unsanitary, unethical or unfair trade practices in the trade generally.

(6) To promote, in the interests of the public at large, sanitary conditions in the prosecution of the businesses herein defined, by the promulgation and enforcement of rules and regulations as to sanitation. For the purposes of this Act, the performance by any person, firm or corporation, subject to the provisions of this Act, of work or services at less than the reasonable cost thereof, will be prima facie evidence of the performance of such work and services in an unsanitary manner.

(7) To act for the purposes of this Act, as a competent authority in connection with other matters pertinent thereto.

Section 4. No person, firm or corporation shall engage in the businesses of "retail dealer", "wholesale dealer", or "retail plant owner", as herein defined, within the State of Delaware, without first obtaining a license therefor from the Trade Board, which said license shall be valid for a period of one year and no more, unless sooner revoked or suspended by said Trade Board under the provisions of this Act. The annual fees for such licenses shall be as follows: For each license as "retail dealer" Fifteen Dollars, for each license as "wholesale dealer" Fifty Dollars, and for each license as "retail plant owner" Thirty Dollars. Such license fees shall be collected by the Trade Board and disbursed and accounted for as hereinafter provided.

Section 5. All moneys received by the Trade Board shall be deposited to its credit in the Bank in which State funds are required to be deposited and a quarterly report thereof shall be made to the State Treasurer. Said report shall fully set forth all moneys received by said Trade Board during the period covered and all

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expenditures made by the Trade Board during such period. Said report shall be accompanied by a check to the order of the State Treasurer for the amount in hand, less such sum as in the judgment of the Trade Board it is necessary to be retained by said Trade Board for defraying expenses (including salaries), to be met under the provisions of this Act. Each member of the Trade Board shall give security by means of a corporate surety bond to the State of Delaware in the sum of Twenty-five Hundred Dollars, conditioned that he (or she) will faithfully perform all the duties imposed by law that he (or she) will not knowingly violate the provisions of this Act or of any Act relating to the control and regulation of the businesses subject to the provisions of this Act, and that he (or she) will faithfully and truly account under the provisions of this Act to the State Treasurer for all moneys received in connection with the administration thereof. The cost of said bonds shall be borne by the Trade Board as part of its operating expense.

Section 6. Every "retail dealer", "wholesale dealer" and "retail plant owner", as herein defined, shall be liable as an insurer for any damage to or the loss or destruction either in whole or in part of any article left with such "retail dealer", "wholesale dealer" or "plant owner" for the furnishing or performance of services for a monetary reward in connection therewith and it shall be unlawful for any such "retail dealer", "wholesale dealer" or "plant owner" to attempt by stipulation with a consumer, or otherwise, to evade, limit or nullify the responsibility imposed by this Act or by any law of the State of Delaware.

Section 7. The Attorney General and his Deputies shall act as counsel for the Trade Board and it shall be the duty of the Attorney General and his Deputies and all police officers within the State to enforce the provisions of this Act.

Section 8. Any person, firm or corporation who violates or fails to comply with any of the provisions or requirements of this Act or of any rule or regulation of said Trade Board duly promulgated and adopted shall, upon conviction, be guilty of a misde-

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meanor and shall be punished by a fine not exceeding the sum of Seventy-five Dollars, in the discretion of the Court, or by imprisonment not exceeding twenty-five days, or both, in the discretion of the Court, and each day during which such violation shall continue shall be deemed a separate offense. The Municipal Court of the City of Wilmington shall have concurrent jurisdiction of all violations of the provisions and requirements of this Act occurring within the corporate limits of the City of Wilmington. All Justices of the Peace in the State of Delaware, outside the City of Wilmington, shall have concurrent jurisdiction of all violations of the provisions and requirements of this Act occurring without the corporate limits of the City of Wilmington.

Section 9. The period of public emergency above mentioned shall be until such date as the Legislature shall, by legislative enactment, designate to be the termination thereof, or if the Legislature be not in session the date so designated by a proclamation of the Governor.

Section 10. If any portion of this Act is held invalid or unconstitutional, such holding shall not affect the validity of the Act as a whole, or any part thereof which can be given effect without the part so held to be unconstitutional or invalid.

Section 11. This Act shall become effective immediately.

Approved April 15, 1935.

CHAPTER 121

COMMISSION ON PRISON INDUSTRIES

AN ACT TO PROMOTE THE STATE USE SYSTEM OF INDUSTRIES IN THE PUBLIC WELFARE INSTITUTIONS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. The Governor shall appoint a commission on prison industries consisting of six members, two of whom shall be representatives of industry, two representatives of labor, and two representatives of the general public. Said Commission shall serve without pay at the pleasure of the Governor. The chairman of the Board of Trustees of all penal institutions of the State producing or capable of producing commodities, or some agency selected by said respective Boards, shall be ex-officio members of said Commission.

Section 2. It shall be the duty of said Commission:

(a) To ascertain ways and means of employing the inmates of such institutions without any added tax burden to the public, and also without bringing the product resulting from such employment into open market competition with the products of free labor and industry.

(b) To provide, through suitable employment, for the occupational training of such inmates for the purpose of establishing their rehabilitation to the end that they may be restored to a useful place in society upon their release.

(c) To ascertain ways and means whereby commodities produced or capable of being produced at penal institutions in the State may be utilized by other publicly maintained institutions, either within or outside this State.

Section 3. Said Commission shall report its findings, together

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with its recommendations, to the One Hundred and Sixth General Assembly of the State.

Section 4. The reasonable expenses of said Commission actually incurred not to exceed the sum of One Hundred (\$100.00) Dollars shall be paid by the State Treasurer out of the general fund of the State not otherwise appropriated, upon warrants signed by the Chairman and Secretary of the Commission and approved by the Auditor of Accounts.

Approved April 24, 1935.

CHAPTER 122

BOARD OF EXAMINERS OF BEAUTICIANS

AN ACT TO PROMOTE THE PUBLIC HEALTH AND SAFETY BY PROVIDING FOR EXAMINATION AND REGISTRATION OF THOSE WHO DESIRE TO ENGAGE IN THE OCCUPATION OF BEAUTY CULTURE; DEFINING BEAUTY CULTURE, AND REGULATING BEAUTY CULTURE SHOPS, SCHOOLS, STUDENTS, APPRENTICES, TEACHERS, MANAGERS AND OPERATORS; PROVIDING FOR APPEALS TO CERTAIN COURTS BY APPLICANTS AND LICENSEES; AND PROVIDING PENALTIES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. On or before July 1, 1935, the Governor of the State of Delaware is hereby directed to appoint four reputable practicing beauticians, one of whom shall be resident in the City of Wilmington, one of whom shall be a resident of New Castle County outside the City of Wilmington, one of whom shall be resident in Kent County, and one of whom shall be resident in Sussex County, and which persons so appointed, shall be and constitute the "Board of Examiners of Beauticians", and hereafter designated as the Board. It shall be the duty of the Board to carry out the purposes and enforce the provisions of this Act.

The full term of the members of the Board shall be three years; provided, however, that of the original appointments made on or before July 1, 1935, two shall be for a term of two years and three shall be for the full term of three years, and upon the expiration of the term for which the members were appointed respectively, their successors shall be appointed for a full term of three years. In case of a vacancy the Governor shall appoint a person to fill such vacancy for the unexpired term only.

Before entering upon their duties each member shall be duly sworn or affirmed to faithfully and impartially perform the duties of his office. Any member may be removed by the Governor for cause.

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The Board shall meet as soon as may be conveniently done after the appointment of the respective members and shall organize by the selection of a President and a Secretary. The Board shall have the right to appoint one or more inspectors for such term or terms as the Board may designate, provided that no inspector shall be appointed for a longer period than one year; and provided further that not more than one inspector shall be appointed from either of the Counties of this State. It shall be the duty of the Inspectors to make investigations and make reports to the Board and do such other act or acts as may be necessary to carry into effect the provisions of this Act.

Section 2. Each member of said Board shall receive a compensation of ten dollars per day for actual services rendered not in excess of twenty days per annum.

Section 3. All moneys received from any source under the provisions of this Act shall be paid to the State Treasurer who shall keep said funds in a separate account, and shall pay all wages or compensation and all expenses from the funds paid into said account and from no other source. Before any moneys shall be paid the Secretary of the Board shall first approve the account upon which the claim or charge is based.

Section 4. Practice of Beauty Culture Without Registration Prohibited:—It shall be unlawful for any person to practice or teach beauty culture, or manage a beauty shop, or to use or maintain any place for the practice or teaching of beauty culture, for compensation, unless he or she shall have first obtained from the Board a certificate of registration as provided in this Act. Nothing contained in this Act, however, shall apply to or effect any person who is now actually engaged in any such occupation, except as hereinafter provided.

Section 5. Requirements to Practice:—Before any person may practice or teach beauty culture or manage a beauty shop, such person shall file with the Board a written application for registration, on a form which shall be prescribed and supplied by such

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Board, and shall deposit with the Board the registration fee, and pass an examination as to fitness to practice or teach beauty culture or manage a beauty shop, as hereinafter provided in this Act.

"Beauty Culture" includes any or all work done for compensation by any person, which work is generally and usually performed by so-called hairdressers, cosmetologists, cosmeticians, beauticians or beauty culturists, and however denominated in so-called hairdressing and beauty shops ordinarily patronized by women, which work is for the embellishment, cleanliness and beautification of women.

Section 6. Eligibility Requirements for Examination:—No person shall be permitted by the Board to take an examination to receive a certificate as an operator unless such person shall be at least sixteen years of age and has been registered as a student and has had training, as hereinafter provided in this Act, in a beauty school duly registered by the Board, or unless such person shall have been registered and served as an apprentice at least two years as hereinafter provided in this Act: Provided, however, that the Board may permit a person to take an examination without the prior studentship or apprenticeship herein required if such person shall establish, to the satisfaction of the Board, that he or she has been an operator in the active practice of beauty culture for at least twenty-four months within the five years next preceding the effective date of this Act. No person shall be permitted to take an examination for a certificate to teach beauty culture or act as manager of a beauty shop unless such person shall be at least eighteen years of age, and has had at least eighteen months' experience as an operator in a beauty shop or has had training in a duly registered school of beauty culture of fifteen hundred hours inclusive of the studies necessary to become an operator.

Section 7. Practice in Beauty Shops Only:—It shall be unlawful for any person to practice beauty culture for pay in any place other than a registered beauty shop: Provided, that a registered operator may furnish beauty culture treatments to persons in residences of such persons by appointment.

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Section 8. Exceptions to Examination Requirements; Present Students and Apprentices:—Any person who has practiced or taught beauty culture or acted as manager of a beauty shop or school of beauty culture, under a certificate, license or permit for not less than two years in another state, territory, or District of Columbia, or any person who has done so in this State for at least six months next preceding the effective date of this Act and is thus engaged in this State at the time this Act goes into effect, may secure the certificate of registration required by this Act without an examination or compliance with other requirements as to age and education, provided such person shall make application to the Board for registration within ninety days after the effective date of this Act.

Section 9. Any person studying beauty culture in a school of beauty culture or as an apprentice in a beauty shop in this State at the time this Act goes into effect shall receive credit for such time and studies without complying with the requirements of this Act as to age and preliminary education, provided such person shall make application to the board for registration as a student or apprentice within three months after this Act goes into effect. Students, upon graduating from registered schools of beauty culture, may apply for, and receive from the Board, a temporary permit to practice as an operator until the next regular examination held by the Board under the provisions of this Act.

Section 10. Apprentices in Beauty Shops:—Any cosmetologist, hairdresser, or cosmetician, who is a beauty shop owner, and who is a holder of a teacher's certificate, may instruct apprentices, provided that there shall be no more than one apprentice in any shop unless such shop shall employ at least two or more operators and if there be two or more operators then such shop may have one apprentice for each two operators; and provided such shop is not held out as a school of beauty culture. Such apprentices may apply for examination at the end of their apprenticeship at the next regular examination held by the Board, and, if successful therein, shall be registered as operators. Registered apprentices, upon completion of their required term of apprenticeship, may apply for, and receive from the Board, a temporary permit to practice as an operator until the next regular examination.

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Section 11. Rules by Board:—The Board shall prescribe reasonable rules for its conduct, and for the qualifications, registration and examination of applicants to practice or teach beauty culture, and for the registration of apprentices, teachers, students, and managers of beauty shops or schools of beauty culture, and for temporary licenses to be issued at the discretion of the Board, and generally for the conduct of persons, copartnerships, associations or corporations affected by this Act, provided that the said Board shall not undertake, by any rule or regulation to fix the hours during which any shop or shops shall remain open for business. Rules established by the Board shall be printed and supplied to applicants and license holders.

Section 12. Examinations:—If the Board finds that the applicant has submitted the credentials required by this Act for admission to examination, and has paid the registration fee required by this Act, the Board shall admit such applicant to examination, and shall issue a certificate of registration to practice as operator, manager, or teacher, as the case may be, to those successfully passing the required examinations. The Board shall hold public examinations on the first Tuesday of January, April, August and November of each year and at such other times as the Board may deem necessary, after and when such necessity shall arise and shall hold such other examinations at such place or places within the State of Delaware and at such hours as the Board shall prescribe. The examination for teachers' and managers' licenses shall differ from the examination for operators' licenses in that it shall be of a more exacting nature and require higher standards of knowledge of the practice and theories of beauty culture, including ability to teach properly the various practices and theories of beauty culture.

Section 13. Powers and Duties of the Board:—The Board shall have the power to refuse, revoke or suspend licenses or certificates, upon due hearing, on proof of violation of any provisions of this act or the rules and regulations established by the Board under this Act, or for gross incompetency or dishonest or unethical practices, and shall have the power to require the attendance of witnesses and the production of such books, records and papers as it may desire. Before any certificate shall be suspended or revoked

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for any of the reasons contained in this section, the holder thereof shall have notice, in writing, of the charge or charges against him or her, and shall, at a day specified in said notice, which shall be at least five days after the service thereof, be given a public hearing, before a duly authorized representative of the Board, with a full opportunity to produce testimony in his or her behalf and to confront the witnesses against him or her. Any person whose certificate of registration has been so suspended or revoked may, after the expiration of ninety days, on application to the Board, have the same reissued to him or her upon satisfactory proof that the disqualification has ceased. Before the Board may institute any of the above proceedings, it shall send a notice in writing to the certificate holder of any alleged violation of this Act or rules thereunder, together with a notice that if the violation is not abated within fifteen days the proceedings above outlined will be initiated.

Section 14. Sanitary Rules:—The Board shall prescribe such sanitary rules as it may deem necessary, with particular reference to the precautions necessary to be employed to prevent the creating and spreading of infectious and contagious diseases; and it shall be unlawful for the owner or manager of any beauty shop or school of beauty culture to permit any person to sleep in or use for residential purposes any room used wholly or in part as a beauty shop or school of beauty culture.

Section 15. Appeal From Actions of the Board:—An appeal may be taken from any actions of the Board to the Superior Court.

Section 16. Fees:—The registration fee for the issuance of a license, with or without examination, shall be as follows: Ten Dollars (\$10.00) for beauty shop owners, managers, and teachers; Five Dollars (\$5.00) for operators; Two Dollars (\$2.00) for students or apprentices; and Fifty Dollars (\$50.00) for schools of beauty culture. Annual renewal fees shall be Ten Dollars (\$10.00) for shop owners and managers and school instructors; Five Dollars (\$5.00) for operators; and Twenty-five Dollars (\$25.00) for schools of beauty culture. The above fees for registration, examination, and certificate shall be paid in advance to the Board.

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Section 17. To Whom Provisions in This Act Shall Not Apply:—Nothing in this Act shall prohibit service in case of emergency or domestic administration without compensation, nor service by persons authorized under the laws of this State to practice medicine, surgery, dentistry, chiropody, osteopathy, or chiropractic, nor services by barbers lawfully engaged in the performance of the usual and ordinary duties of their vocation.

Section 18. Display of Certificates:—Every holder of a certificate granted by the said Board, as provided in this Act, shall display it in a conspicuous place in his or her principal office, place of business, or employment.

Section 19. Duration and Renewal of Certificates of Registration:—All certificates of registration issued under the provisions hereof shall expire on the first day of June next succeeding the issuance thereof, and it shall be the duty of the person holding a certificate of registration to have the same renewed on or before the first day of June next succeeding the date of issuance of the certificate then in effect.

Section 20. Penalties:—Any person convicted of violating any of the provisions of this Act or who shall practice or teach beauty culture, or act in any capacity wherein registration is required, without complying with the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof before any Justice of the Peace, or by the Municipal Court of the City of Wilmington, shall pay a fine not exceeding Fifty Dollars (\$50.00) and upon failure to pay the fines imposed shall be imprisoned for a term not exceeding twenty (20) days.

Section 21. Effective Date:—This Act shall become effective on the first day of July, A. D. 1935.

Section 22. This Act shall be known as the "Delaware State Beauticians Act."

Approved May 1, 1935.

Title Seven

County Government

CHAPTER 123

LEVY COURTS

AN ACT AUTHORIZING, EMPOWERING AND DIRECTING THE LEVY COURTS OF THE RESPECTIVE COUNTIES IN THE STATE OF DELAWARE TO TRANSFER AND DELIVER TO THE STATE HIGHWAY DEPARTMENT ALL ROAD MACHINERY, TOOLS AND EQUIPMENT OF THEIR RESPECTIVE COUNTIES.

WHEREAS, by an Act of the General Assembly of the State of Delaware entitled, "AN ACT AUTHORIZING AND DIRECTING THE STATE HIGHWAY DEPARTMENT TO TAKE OVER THE FULL MANAGEMENT AND CONTROL OF ALL HIGHWAYS IN THE STATE OF DELAWARE NOW UNDER THE MANAGEMENT AND CONTROL OF THE LEVY COURTS OF THE RESPECTIVE COUNTIES", all the public roads and highways and bridges in the State of Delaware, heretofore under the care and management and control of the Levy Courts of the respective Counties in this State, will be on and after July 1, 1935, transferred to the absolute care and management and control of the State Highway Department, and the said Levy Courts will be thereafter and thereby relieved of any further responsibility therefor; and

WHEREAS, the Levy Courts of the respective Counties in this State have a lot of machinery and tools and equipment, for building, repairing and maintaining roads and bridges, and records relating thereto, in their respective Counties, for which they will have no further use, but which will be of use to the State Highway Department; and

WHEREAS, the interest and maturities of County Bonds, of the respective Counties, are being paid out of the funds allocated to the State Highway Department; and

LEVY COURTS

WHEREAS, for the reasons above stated, it is just and proper that all such machinery and tools and equipment and records of the respective Levy Courts of the respective Counties, for which they will no longer have any use, shall be transferred and delivered to the State Highway Department; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That on July 1, 1935, the Levy Courts of the respective Counties in this State are hereby authorized and empowered and directed to transfer and deliver to the State Highway Department, for the use of, and to become the property of, the said Department, all of the road machinery, tools and equipment of every kind and description including all records relating to roads and bridges, of their respective Counties and theretofore used by the respective Levy Courts in building, or repairing or maintaining the roads and/or bridges of their respective Counties.

Any Levy Court Commissioner of any of the Levy Courts of the respective Counties in this State, who shall refuse or neglect to comply with the provisions of this Act, within ten days after notice or request in writing from the said State Highway Department; or any Levy Court Commissioner, or agent or servant of any such Levy Court; or any officer or agent or servant of any County in this State, who shall interfere with or prevent, or try to prevent, any such transfer and/or delivery of the said machinery, tools and equipment and records, as in this Act provided, or any of them, shall be deemed guilty of a misdemeanor and, upon conviction thereof by any Court of competent jurisdiction, shall be punished by a fine not exceeding One Thousand Dollars, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment in the discretion of the Court.

Approved April 18, 1935.

CHAPTER 124

LEVY COURTS

INDIGENT SICK OF KENT AND SUSSEX COUNTIES

AN ACT TO AMEND AN ACT ENTITLED "AN ACT FOR THE RELIEF OF THE INDIGENT SICK OF KENT AND SUSSEX COUNTIES."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 1 of Chapter 91, Volume 34, as amended by Chapter 120, Volume 36; Chapter 97, Volume 37, Laws of Delaware, be and the same is hereby amended by striking out all of Section 1 and substituting in lieu thereof the following:

"Section 1. Beginning May 1, 1935, the Levy Court of Kent County is hereby authorized and directed to appropriate and set aside the sum of Fifteen Thousand Dollars (\$15,000.00) annually and the Levy Court of Sussex County is hereby authorized and directed to appropriate and set aside the sum of Eighteen Thousand Dollars (\$18,000.00) annually, to provide Hospital Treatment and care for the indigent sick of said respective counties."

Section 2. That Section 3 of Chapter 91, Volume 34, Laws of Delaware, as amended by Chapter 120, Volume 36, Chapter 97, Volume 37, Laws of Delaware, be and the same is hereby amended by striking out all of said Section 3 and substituting in lieu thereof the following:

Section 3. Said Hospitals shall keep correct records of such indigent sick upon forms prescribed by said Levy Courts respectively. Such forms shall show the name and place of residence of each indigent sick person, the day each patient was received and discharged, the disease or injury treated and the expense incident to such treatment and such other facts as said Levy Courts respectively shall require. Said Hospitals shall keep their lists of indigent sick who are residents of Kent County on one form and

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of those who are residents of Sussex County on another form and said Hospitals shall transmit monthly to the Levy Court of Kent County its list or form covering the indigent sick of Kent County who have been cared for and treated and shall likewise transmit to the Levy Court of Sussex County its list or form covering the indigent sick residents of Sussex County who have been cared for and treated. Said respective Levy Courts are hereby authorized and directed to carefully examine said lists and forms and shall have full power to make proper inquiry concerning the same, to examine the accounts of said Hospitals with respect to such indigent sick, to visit said Hospitals for the purpose of ascertaining whether such indigent sick are receiving proper care and to investigate whether or not such patients are in fact indigent and unable to pay their Hospital bills or any part thereof. When said Levy Courts respectively shall have approved said lists such approval shall be certified thereon in writing. Said Levy Courts shall respectively have the power to amend or correct said lists or any of them in their discretion. When said lists shall have been received and approved as aforesaid the said Levy Courts are hereby respectively authorized and directed to pay the amounts due said Hospitals respectively as shown by said lists provided that the total amount paid in any one year, namely from July 1st to June 30th next ensuing shall not exceed the sum of Fifteen Thousand Dollars (\$15,000.00) for Kent County or the sum of Eighteen Thousand Dollars (\$18,000.00) for Sussex County and provided further that no indigent patient receiving the benefits of this Act shall be charged for at a higher rate than Four Dollars (\$4.00) per diem nor shall any such indigent patient receive aid provided for under this Act, during any one sickness, for a longer period than 42 days except in extraordinary cases where the nature of the patient's illness or injury shall render it impossible to remove such patient from the Hospital at the expiration of said 42 days, in which case the Hospital shall transmit to the Levy Court a full written statement showing the nature of the patient's illness or injury and certifying that the patient is indigent and could not be safely removed at the end of 42 days; if the Levy Court to which the bill for such last mentioned indigent sick patient is to be presented shall approve an exemption of Hospital treatment beyond said 42 days it shall notify said

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Hospital to that effect and shall indicate in writing how long it will approve of such treatment beyond said 42 day period.

The Levy Court of Kent County shall not expend under this Act for the months of July, August and September in each year more than Four Thousand Dollars (\$4,000.00); nor for the months of October, November and December more than Four Thousand Dollars (\$4,000.00) in addition to any sum which may be unused out of the first mentioned Four Thousand Dollars (\$4,000.00), nor for the months of January, February and March more than Four Thousand Dollars (\$4,000.00) in addition to any sums which may be unused for the six months before mentioned; nor for April, May and June more than the sum of Four Thousand Dollars (\$4,000.00), in addition to what may be unused for the nine months before mentioned.

The Levy Court of Sussex County shall not expend under this Act for the months of July, August and September in each year more than Five Thousand Dollars (\$5,000.00); nor for the months of October, November and December more than Five Thousand Dollars (\$5,000.00) in addition to any sum which may be unused out of the first mentioned Five Thousand Dollars (\$5,000.00); nor for the months of January, February and March more than Five Thousand Dollars (\$5,000.00) in addition to any sums which may be unused for the six months before mentioned; nor for April, May and June more than the sum of Five Thousand Dollars (\$5,000.00) in addition to what may be unused for the nine months before mentioned; the purpose of the provisions of these paragraphs being to distribute the funds provided for by this Act as equitably as possible throughout the fiscal year and to guard against the expenditure of the entire annual fund during the first few months of the fiscal year.

Approved April 18, 1935.

CHAPTER 125

LEVY COURTS, NEW CASTLE COUNTY

AN ACT AUTHORIZING THE LEVY COURT OF NEW CASTLE COUNTY TO SELL CERTAIN REAL ESTATE SITUATE IN SAID COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. The Levy Court of New Castle County is hereby authorized if it shall deem it advisable, to sell to the Mayor and Council of Wilmington for a nominal consideration, all the right, title, estate and interest in and to all or any part of certain real estate belonging to said County and in part held in the name of "State of Delaware for the use of New Castle County" and situate in the City of Wilmington, bounded and described as follows, to-wit:—

"Beginning at the intersection of the Northerly side of Eleventh Street (at forty-nine feet wide) with the Easterly side of Bennett Street (at forty-five feet wide); thence Northerly by the said side of Bennett Street, three hundred feet, ten and one-half inches more or less to the Southerly side of Twelfth Street; thence thereby Easterly seventy-three feet, seven and three-eighths inches in to the middle-distance between Bennett and Church Streets; thence Northerly, parallel to Bennett Street, sixty-two feet more or less to the low-water line in Brandywine River; thence Southerly by the low-water line of Brandywine River to its intersection with a line parallel to and sixteen feet Southerly from the Southerly side of Eleventh Street (measured at right angles thereto); thence Westerly and parallel to Eleventh Street to the Easterly side of Church Street (at fifty feet wide); thence thereby Northerly to the intersection of the Easterly side of Church Street with the Northerly side of Eleventh Street; thence Westerly by the Northerly side of Eleventh Street to the place of beginning."

Subject to such rights of way, reservations and restrictions as said Levy Court shall deem advisable.

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Section 2. A deed of the Levy Court of New Castle County upon resolution of said Levy Court, executed and acknowledged by its President and attested by the Clerk of the Peace of New Castle County, shall pass title to said right, title, estate and interest belonging to said County in and to said land, or any part thereof.

Approved March 25, 1935.

CHAPTER 126

LEVY COURTS, NEW CASTLE COUNTY

AN ACT TO AMEND CHAPTER 43 OF THE REVISED CODE OF DELAWARE IN RELATION TO THE LEVY COURT OF NEW CASTLE COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 43 of the Revised Code of Delaware (1915) be and the same is hereby amended by repealing all of 1013. Sec. 1. thereof, and by substituting in lieu thereof the following:

1013. Sec. 1. The County of New Castle is hereby divided into three Levy Court Districts. All that portion of New Castle County, which is now, or may hereafter be, contained within the corporate limits of the City of Wilmington, shall be the First Levy Court District; all that portion of New Castle County, except as contained in the First Levy Court District as hereinbefore defined, and except as contained in what is known as Pencader Hundred and Red Lion Hundred and St. Georges Hundred and Appoquinimink Hundred and Blackbird Hundred, shall be the Second Levy Court District; and all that portion of New Castle County, which is contained in what is known as Pencader Hundred and Red Lion Hundred and St. Georges Hundred and Appoquinimink Hundred and Blackbird Hundred, shall be the Third Levy Court District.

Section 2. That said Chapter 43 of said Code be and the same is hereby further amended by repealing all of 1014. Sec. 2. thereof, and by substituting in lieu thereof the following:

1014. Sec. 2. From and after the first Tuesday in January, A. D. 1937, the Levy Court of New Castle County as it is now constituted and organized, and the terms of office of the several Levy Court Commissioners of said County, as now established by law, be and the same shall be abolished and the office of Levy Court Commissioner as the same is now constituted and the terms of

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office of the several commissioners are hereby deemed to be abolished, ended and terminated; and from and after the said first Tuesday in January, A. D. 1937, and until the first Tuesday in January, A. D. 1939, the three Levy Court Commissioners elected in New Castle County at the General Election held in said County, on the sixth day of November, A. D. 1934, shall collectively constitute the Levy Court of New Castle County, and shall be styled "Levy Court Commissioners of New Castle County", and they shall not be permitted to succeed themselves on the expiration of their term of office on the said first Tuesday of January, A. D. 1939.

The said Levy Court Commissioners shall meet for organization on the said first Tuesday in January, A. D. 1937, and after taking the oath prescribed by the Constitution, shall proceed to elect one of their number Presiding Officer. Two of said Commissioners shall constitute a quorum for the purpose of organization and for the transaction of business.

From and after the first Tuesday in January, A. D. 1939, the Levy Court of New Castle County shall be composed of three members, one of whom shall be a resident of, and nominated by, each of the three Levy Court Districts as in this Act defined.

At the General Election to be held in the year A. D. 1938, there shall be elected by the qualified voters of New Castle County, three suitable persons, one of whom shall be a bona fide resident and freeholder of each of the three Levy Court Districts as herein defined and qualified to vote at the General Election held in said County.

At the said election held in the year A. D. 1938, there shall be elected by the qualified voters of New Castle County, from the Third Levy Court District as herein defined, one person, having the qualifications aforesaid, for a term of two years, and from the Second Levy Court District as herein defined, one person having the qualifications aforesaid, for a term of four years, and from the First Levy Court District as herein defined, one person having the qualifications aforesaid, for a term of six years.

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At the General Election every two years, after the General Election held in the year A. D. 1938, there shall be elected, by the qualified voters of New Castle County, one or more persons, having the qualifications aforesaid, to fill the vacancy or vacancies caused by the expiration of the term or terms of office or otherwise, of the Levy Court Commissioner or Commissioners whose term or terms expire on the first Tuesday of January following.

The persons so elected shall be styled "Levy Court Commissioners," and the term of office after the General Election held in the year A. D. 1938, shall be six years, commencing always on the first Tuesday in January next after the election, and they shall, during their respective terms of office, have and possess the qualifications above set forth, and no person elected Levy Court Commissioner shall be eligible for election for two successive terms.

Section 3. That said Chapter 43 of said Code be and the same is hereby further amended by repealing all of 1015. Sec. 3. thereof, and by inserting in lieu thereof a new section, as follows:

1015. Sec. 3. The Levy Court of New Castle County, composed of the Commissioners elected as aforesaid, shall meet biennially for organization on the first Tuesday in January next after their election, and after taking the oath prescribed by the Constitution shall proceed to elect one of their numbers Presiding Officer. Two of the Levy Court Commissioners shall constitute a quorum for the purpose of organization and for the transaction of business. The Levy Court Commissioners, appointed or elected under the provisions of this Act, as well as the said Levy Court Commissioners serving from the first Tuesday in January, A. D. 1937, until the first Tuesday in January, A. D. 1939, under the provisions of this Act, shall have power to make rules for their government, not inconsistent with the Constitution and Laws of the State, and shall hold meetings of said Levy Court as prescribed by law.

Section 4. That said Chapter 43 of said Code be and the same is hereby further amended by repealing all of 1016. Sec. 4.

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thereof, and by inserting in lieu thereof a new section, as follows:

1016. Sec. 4. The Levy Court of New Castle County shall meet at the County Building in Wilmington, on Tuesday of each week throughout the year, unless any Tuesday shall be a legal holiday.

The said Court may adjourn, from time to time, as occasion shall require; one commissioner, if no more attend on any day of meeting, or if none attend, the Clerk of the Peace shall have power to adjourn the said Court. Special meetings may be held, at the direction of the Presiding Officer or any two members, and the Clerk of the Peace shall cause the members to be notified thereof. Special meetings shall be held at the usual place of meeting, and at such meetings any lawful business may be transacted.

Section 5. That said Chapter 43 of said Code be and the same is hereby further amended by repealing 1017. Sec. 5. thereof, and by inserting in lieu thereof a new section, as follows:

1017. Sec. 5. In case of a vacancy caused by the death, resignation, ineligibility or removal from the Levy Court District, or otherwise, and at any time, of any of the members of the said Levy Court, it shall be the duty of the Governor to appoint some suitable person, having the required qualifications, to fill the vacancy so created, pursuant to the provisions of the Constitution in that behalf.

Section 6. That said Chapter 43 of said Code be and the same is hereby further amended by repealing all of 1018. Sec. 6. thereof, and by inserting in lieu thereof a new section, as follows:

1018. Sec. 6. Should any two or more persons voted for as Levy Court Commissioners, residing in the same Levy Court District as in this Act defined, receive an equal and the highest number of votes cast by the qualified voters of the County as aforesaid, at any election, the Superior Court for the State of Delaware in and for New Castle County, sitting as a Board of Canvass in said County, shall certify the facts to the Governor, who shall forthwith

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select one of said persons to be Levy Court Commissioner of New Castle County from said District, who shall hold the said office for two years from the first Tuesday in January, thence next ensuing.

The Levy Court Commissioners of New Castle County, appointed or elected under the provisions of this Act, as well as the said Levy Court Commissioners serving from the first Tuesday in January, A. D. 1937, until the first Tuesday in January, A. D. 1939, under the provisions of this Act, shall each be paid an annual salary of Twenty-four Hundred Dollars, in equal monthly installments, by warrants according to the form to be prescribed by the Levy Court, and the said Levy Court Commissioners shall not be entitled to have or receive from said County any other or further compensation for any services done or performed by them, or any of them, in the said office by Levy Court Commissioners.

The Levy Court of New Castle County, appointed or elected under the provisions of this Act, as well as the said Levy Court Commissioners serving from the first Tuesday in January, A. D. 1937, until the first Tuesday in January, A. D. 1939, under the provisions of this Act, shall have the direction, management and control of the business and finances of New Castle County, and shall have full and complete jurisdiction over all and every the matters and things now or hereafter vested by law in the Levy Court of New Castle County, or in, or appertaining to, the office of Levy Court Commissioners of said County, and shall have and exercise every power, privilege, right and duty which belongs and appertains to the Levy Court of New Castle County, or to the office of Levy Court Commissioner of said County.

Section 7. That said Chapter 43 of said Code be and the same is hereby further amended by repealing all of the third paragraph of 1056. Sec. 44 thereof.

Section 8. That said Chapter 43 of said Code be and the same is hereby further amended by repealing all of 1057. Sec. 45. thereof.

Section 9. It shall be the duty of the present Levy Court of

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New Castle County, and every Commissioner thereof, and every person having control or possession of any record, book, paper or other property belonging to the said Levy Court of New Castle County to surrender the same to the Levy Court of New Castle County as it shall be constituted under the provisions of this Act, and in case any person shall neglect or refuse to surrender and deliver up such record, book, paper or other property within five days after demand made therefor by the Levy Court, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine not exceeding one thousand dollars, or imprisonment for a term not exceeding six months, or both fine and imprisonment, in the discretion of the Court.

Section 10. That, in the year A. D. 1936, there shall be no nomination and election for Levy Court Commissioners in New Castle County.

Section 11. That all Acts or parts of Acts inconsistent herewith are hereby repealed to the extent of such inconsistency.

Approved April 18, 1935.

CHAPTER 127

LEVY COURTS

APPROPRIATION TO FIRE COMPANIES IN KENT COUNTY

AN ACT TO AMEND CHAPTER 4 OF VOLUME 39, LAWS OF DELAWARE, IN REFERENCE TO APPROPRIATING MONEY TO FIRE COMPANIES IN KENT COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 4 of Volume 39, Laws of Delaware, be and the same is hereby amended by striking out and repealing all of Section 1 thereof and inserting in lieu thereof a new Section, as follows:

Section 1. The Levy Court of Kent County is hereby authorized and directed to appropriate annually, the sum of Five Hundred Dollars (\$500.00), to each of the regularly organized and motorized Fire Companies in Kent County for the maintenance and upkeep of the fire equipment of said Fire Companies in Kent County.

The said sum of Five Hundred Dollars (\$500.00) shall be paid by the Levy Court of Kent County to each of the said Fire Companies of Kent County as certified by the Secretary of the Kent County Volunteer Firemen's Association on the first day of May of each year.

Approved April 1, 1935.

CHAPTER 128

LEVY COURTS, REFUNDING OF KENT COUNTY STATE
AID ROAD BONDS**AN ACT AUTHORIZING AND DIRECTING THE LEVY COURT
OF KENT COUNTY TO REFUND A CERTAIN PART OF
THE DEBT OF SAID COUNTY KNOWN AS "KENT COUNTY
STATE AID ROAD BONDS."**

WHEREAS, by Act of the General Assembly of the State of Delaware, approved May 28, 1920, being Chapter 23 of Volume 31, Laws of Delaware, the Levy Court of Kent County was authorized and empowered to borrow upon the faith and credit of Kent County, a sum of money not exceeding One Million Dollars (\$1,000,000.00), for the purpose of building in Kent County the "State Aid Roads", referred to in Chapter 70 of Volume 30, Laws of Delaware, and for such purpose was authorized and empowered to issue and sell Bonds of Kent County, with coupons attached, to an amount not exceeding One Million Dollars (\$1,000,000.00), said Bonds to be known as "Kent County State Aid Road Bonds", and

WHEREAS, the said Levy Court in pursuance of said Act issued said Bonds to the amount of One Million Dollars (\$1,000,000.00); and

WHEREAS, there are remaining outstanding of said Bonds, the sum of Seven Hundred and Fifty Thousand Dollars (\$750,000.00); and

WHEREAS, it is now the intent and purpose of this Act that the said indebtedness, amounting to the said sum of Seven Hundred and Fifty Thousand Dollars (\$750,000.00), represented by the said outstanding Bonds, shall be refunded at a lower rate of interest);

Now, therefore, be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Levy Court of Kent County be and it is hereby authorized, fully empowered and directed to borrow upon

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REFUNDING OF KENT COUNTY STATE AID ROAD BONDS

the faith and credit of Kent County the sum of Seven Hundred and Fifty Thousand Dollars (\$750,000.00), for the purpose of paying, refunding and redeeming the remaining outstanding "Kent County State Aid Road Bonds", issued under authority of Chapter 23 of Volume 31, Laws of Delaware, amounting to the sum of Seven Hundred and Fifty Thousand Dollars (\$750,000.00), the said bonds to be issued to be known as "Kent County State Aid Road Refunding Bonds."

Section 2. That the said bonds shall be of the denomination of one thousand dollars (\$1,000.00) each and bear interest at such rate, not exceeding three percentum (3%) per annum, as the said Levy Court of Kent County shall determine.

The interest upon the said bonds shall be payable semi-annually in each and every year from the date of issue appearing therein, and all of the said bonds shall bear the same date and be numbered consecutively from one to seven hundred and fifty (1 to 750), inclusive.

Section 3. That the said bonds shall be divided into fifteen classes, and shall be paid at their face value, as follows:

Class	Amount	Year of Maturity
A	\$50,000.00	1937
B	50,000.00	1938
C	50,000.00	1939
D	50,000.00	1940
E	50,000.00	1941
F	50,000.00	1942
G	50,000.00	1943
H	50,000.00	1944
I	50,000.00	1945
J	50,000.00	1946
K	50,000.00	1947
L	50,000.00	1948
M	50,000.00	1949
N	50,000.00	1950
O	50,000.00	1951

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Section 4. That the said bonds shall be prepared under the supervision of the said Levy Court of Kent County and shall be signed by the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Kent County.

It shall be the duty of the said Levy Court to prepare, or have prepared, the said bonds as soon as reasonably can be done after the approval of this Act; and it shall be the duty of the said officers to execute the said bonds as soon as the said bonds are prepared, as aforesaid; and it shall be the duty of the said Receiver of Taxes and County Treasurer to keep a record of the said bonds. The said bonds issued under the provisions of this Act shall be exempt from all State, County, Municipal or Other Taxes.

Section 5. That the said bonds shall be sold as soon as reasonably possible after the approval of this Act, and it shall be the duty of the said Receiver of Taxes and County Treasurer, the President of the Levy Court, and the Clerk of the Peace of Kent County to advertise that sealed bids will be received for the purchase of the same at such place or places and under such regulations as they may designate in said advertisements. Said advertisements shall be published, at least, twice a week for four consecutive weeks in such newspapers in and out of the State of Delaware, as they, in their judgment, may deem necessary and proper. The accrued interest between the date appearing in said bonds and the time of the sale and delivery thereof and payment therefor, shall be adjusted with the purchaser thereof under such regulations as the said, the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Kent County may direct in said advertisements. Provided, however, that any and all overdue coupons attached to said bonds shall be cancelled before the sale and delivery of the same. And provided further that said officers shall have the right to reject any and all bids for said bonds, if in their judgment they are deemed insufficient.

If no bids are received for said bonds, or if the bids received are rejected because of being inadequate, the said the Receiver of

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REFUNDING OF KENT COUNTY STATE AID ROAD BONDS

Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Kent County may sell the same at private sale for the best price obtainable therefor. Provided, however, that they shall not be sold at private sale for less than par and accrued interest. No commission, or other compensation, shall be charged or paid to any of said officers for effecting the sale of said bonds.

Section 6. That both the principal and interest of said bonds shall be payable at the Farmers' Bank of the State of Delaware, at Dover, out of monies from time to time appropriated for that purpose by the said Levy Court of Kent County, as hereinafter provided. The said Levy Court of Kent County is hereby authorized, directed and required to pay the interest on said bonds at the said Farmers' Bank from time to time and when and as the same shall become due and payable, and to pay said bonds at said bank when and as the respective classes shall mature or become due and payable in accordance with the schedule set forth in Section 3 hereof, or in accordance with any of the other provisions of this Act.

Section 7. That the said Levy Court, in fixing the rate of taxation, shall annually, until the first installment of said bonds shall become due and payable, provide for a sum equal to the amount of interest due each year upon said bonds, and as and when any of said bonds shall mature and become due and payable under Section 3 hereof, shall in like manner provide for a sum sufficient for the payment or redemption of such bonds in addition to the amount necessary to pay the interest on the unpaid bonds as before provided, which shall, when collected and paid to the Receiver of Taxes and County Treasurer, be set apart by him in a separate account to be opened for that purpose; and the said Receiver of Taxes and County Treasurer shall apply the said sum annually to the payment of the principal and interest of such of the bonds as may from time to time become due under the provisions of Section 3 of this Act.

Section 8. That all monies received from the sale of any or all of said bonds, after the payment of the proper charges and ex-

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penses incident to the preparation and sale thereof, shall be deposited with the Receiver of Taxes and County Treasurer of Kent County in a separate account, to be opened by him for that purpose, and shall be used for the payment of the said "Kent County State Aid Road Bonds" issued under authority of said Chapter 23 of Volume 31, Laws of Delaware, and for no other purpose whatever.

Section 9. That the said bonds, herein provided for, shall be in substantially the following form; subject, however, to the provisions of Section 11 of this Act:

United States of America

State of Delaware

Class..... Number.....

Kent County State Aid Road Refunding Bonds

Kent County, in the State of Delaware, for value received, hereby acknowledges its indebtedness and promises to pay to the bearer of this bond the sum of One Thousand Dollars (\$1,000.00), lawful money of the United States of America, at the Farmers' Bank of the State of Delaware, at Dover, with interest thereon at the rate of _____ percentum per annum, payable semi-annually on the _____ day of _____ and _____, each year.

This bond is one of the authorized issue of seven hundred and fifty (750) bonds, aggregating Seven Hundred and Fifty Thousand Dollars (\$750,000.00), under and by virtue of and in strict compliance with an Act of the General Assembly of the State of Delaware, entitled "An Act Authorizing and Directing the Levy Court of Kent County to Refund a Certain Part of the Debt of Said County Known as 'Kent County State Aid Road Bonds'", approved _____ 1935. And it is expressly understood and agreed that the said Levy Court of Kent County reserves the right and power, at its option, to call in, pay and redeem this bond, on any semi-annual interest period, after five years from the

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No.....

Kent County, Delaware, will pay to the bearer at the Farmers' Bank of the State of Delaware, at Dover, on the first day of A. D. 19 , the sum of Dollars for six months' interest on Bond No.....

KENT COUNTY STATE AID ROAD REFUNDING BONDS

Receiver of Taxes and County Treasurer of
Kent County

Section 11. The bonds, herein provided for, or any of them, may be called in, paid and redeemed at par and accrued interest out of any funds provided by the Levy Court of Kent County, at the option of the said Levy Court of Kent County, at any interest period, after the said bonds, or any of them, shall have been issued and sold five years, upon thirty days' notice published in one newspaper in the City of Philadelphia and State of Pennsylvania, and in one newspaper published in the City of Wilmington and State of Delaware; said notices indicating by their numbers the bonds therein called and elected to be paid and redeemed, and in case any of said bonds shall be called by the notice aforesaid, the interest thereon shall cease to accrue from and after the interest period next succeeding the date of such notice. Said bonds may, also, contain such other provisions not inconsistent with this Act, as said Levy Court shall, by Resolution to that effect, determine.

Section 12. When and as any of the bonds herein provided for shall be paid, or redeemed under any of the provisions of this Act, they shall be cancelled by marking or stamping the word "paid" and the date of such payment, across the face thereof, and, also, by tearing the signatures and the corporate seal used by the Levy Court of Kent County therefrom. The said bonds, so cancelled as aforesaid, shall then be pasted in a book, kept by the Receiver of Taxes and County Treasurer for that purpose.

Approved March 29, 1935.

LEVY COURTS, KENT COUNTY

CHAPTER 129

AN ACT IN REFERENCE TO THE LEVY COURT OF KENT COUNTY PERMITTING SAID LEVY COURT TO USE \$12,300.72 OF A CERTAIN FUND IN THE FARMERS BANK OF THE STATE OF DELAWARE, AT DOVER, KNOWN AS "KENT COUNTY STATE AID ROAD BOND SINKING FUND" TO PAY NEW CASTLE COUNTY KENT COUNTY'S ONE-HALF SHARE FOR THE CONSTRUCTION OF FLEMING'S LANDING BRIDGE.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:

Section 1. The Farmers Bank of the State of Delaware, at Dover, be and it is hereby authorized and directed to pay to the Levy Court Commissioners of Kent County the sum of Twelve Thousand Three Hundred Dollars and Seventy-two Cents (\$12,300.72) from a fund on deposit with it known as "Kent County State Aid Road Bond Sinking Fund", which said sum of money shall be used by the said Levy Court Commissioners for the payment to New Castle County of Kent County's one-half share of the cost of the construction of Fleming's Landing Bridge.

Approved April 18, 1935.

CHAPTER 130

LEVY COURTS, APPROPRIATION TO FIRE COMPANIES
IN SUSSEX COUNTY

AN ACT TO AMEND CHAPTER 43 OF THE REVISED CODE OF THE STATE OF DELAWARE (AS AMENDED BY CHAPTER 77, VOLUME 33, AND CHAPTER 87, VOLUME 34, LAWS OF DELAWARE) RELATING TO THE LEVY COURT OF SUSSEX COUNTY, BY AUTHORIZING THE LEVY COURT OF SUSSEX COUNTY TO APPROPRIATE MONEY TO MOTORIZED FIRE COMPANIES WITHIN SUSSEX COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 43 of the Revised Code of Delaware as amended by Chapter 77, Volume 33 and Chapter 87, Volume 34, Laws of Delaware, be and the same is hereby further amended by the repeal of 1097A, Section 85A thereof and inserting in lieu thereof the following which shall be styled 1097A, Section 85A.

1097A, Section 85A. The Levy Court of Sussex County shall and is hereby authorized and directed to, appropriate the sum of Five Hundred Dollars (\$500.00) annually, to each regularly organized and motorized Fire Company in Sussex County, to be used in the maintenance of apparatus and equipment.

The said sum of Five Hundred Dollars (\$500.00) shall be paid by the said Levy Court of Sussex County to each of the said Fire Companies of Sussex County as certified by the Secretary of the Sussex County Volunteer Firemen's Association on the first day of May of each year.

Approved March 8, 1935.

CHAPTER 131

LEVY COURTS, REFUNDING OF SUSSEX COUNTY HIGHWAY IMPROVEMENT BONDS SECOND SERIES

AN ACT AUTHORIZING AND DIRECTING THE LEVY COURT OF SUSSEX COUNTY TO REFUND A CERTAIN PART OF THE DEBT OF SAID COUNTY KNOWN AS "SUSSEX COUNTY HIGHWAY IMPROVEMENT BONDS SECOND SERIES."

WHEREAS, by Act of the General Assembly of the State of Delaware, approved March 31, 1921, being Chapter 92 of Volume 32, Laws of Delaware, the Sussex County Highway Improvement Commission was authorized and empowered to borrow, upon the faith and credit of said County, One Million Dollars (\$1,000,000.00), to be expended for the permanent improvement of highways in Sussex County, and for the purpose of securing the payment of such sum, to issue Bonds, with coupons attached thereto, in denominations of One Thousand Dollars (\$1,000.00) each, and bearing such rate of interest, not exceeding six per centum (6%) per annum, as the said Sussex County Highway Improvement Commission should deem expedient; and

WHEREAS, the said Commission, in pursuance of said Act, issued said Bonds to the amount of One Million Dollars (\$1,000,000.00), the said bonds being known and designated as "Sussex County Highway Improvement Bonds Second Series"; and

WHEREAS, there are remaining outstanding of said Bonds the sum of Eight Hundred and Seventy-five Thousand Dollars (\$875,000.00); and

WHEREAS, it is now the intent and purpose of this Act that the said indebtedness represented by said outstanding Bonds, amounting to the sum of Eight Hundred and Seventy-five Thousand Dollars (\$875,000.00), shall be refunded, at a lower rate of interest;

Now therefore, be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

LEVY COURTS, REFUNDING OF SUSSEX COUNTY HIGHWAY
IMPROVEMENT BONDS, SECOND SERIES

Section 1. That the Levy Court of Sussex County, be and it is hereby authorized, fully empowered and directed to borrow upon the faith and credit of Sussex County the sum of Eight Hundred and Seventy-five Thousand Dollars (\$875,000.00), for the purpose of paying, refunding and redeeming the remaining outstanding "Sussex County Highway Improvement Bonds Second Series", issued under authority of Chapter 92 of Volume 32, Laws of Delaware, amounting to the sum of Eight Hundred and Seventy-five Thousand Dollars (\$875,000.00), the said bonds so to be issued to be known as "Sussex County Highway Improvement Refunding Bonds Second Series."

Section 2. That the said bonds shall be of the denomination of one thousand dollars (\$1,000.00) each and bear interest at such rate, not exceeding three per centum (3%) per annum, as the said Levy Court of Sussex County shall determine.

The interest upon the said bonds shall be payable semi-annually in each and every year from the date of issue appearing therein, and all of the said bonds shall bear the same date and be numbered consecutively from one to eight hundred and seventy-five (1 to 875), inclusive.

Section 3. That the said bonds shall be divided into thirty-five classes, and shall be paid at their face value, as follows:

Class	Amount	Year of Maturity
A	\$25,000.00	1937
B	25,000.00	1938
C	25,000.00	1939
D	25,000.00	1940
E	25,000.00	1941
F	25,000.00	1942
G	25,000.00	1943
H	25,000.00	1944
I	25,000.00	1945
J	25,000.00	1946

LEVY COURTS, REFUNDING OF SUSSEX COUNTY HIGHWAY
IMPROVEMENT BONDS, SECOND SERIES

Class	Amount	Year of Maturity
K	25,000.00	1947
L	25,000.00	1948
M	25,000.00	1949
N	25,000.00	1950
O	25,000.00	1951
P	25,000.00	1952
Q	25,000.00	1953
R	25,000.00	1954
S	25,000.00	1955
T	25,000.00	1956
U	25,000.00	1957
V	25,000.00	1958
W	25,000.00	1959
X	25,000.00	1960
Y	25,000.00	1961
Z	25,000.00	1962
AA	25,000.00	1963
BB	25,000.00	1964
CC	25,000.00	1965
DD	25,000.00	1966
EE	25,000.00	1967
FF	25,000.00	1968
GG	25,000.00	1969
HH	25,000.00	1970
II	25,000.00	1971

Section 4. That the said bonds shall be prepared under the supervision of the said Levy Court of Sussex County and shall be signed by the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Sussex County.

It shall be the duty of the said Levy Court to prepare, or have prepared, the said bonds as soon as reasonably can be done after the approval of this Act; and it shall be the duty of the said officers to execute the said bonds as soon as the said bonds are prepared, as aforesaid; and it shall be the duty of the said Receiver of Taxes

LEVY COURTS, REFUNDING OF SUSSEX COUNTY HIGHWAY
IMPROVEMENT BONDS, SECOND SERIES

and County Treasurer to keep a record of the said bonds. The said bonds issued under the provisions of this Act shall be exempt from all State, County, Municipal or Other Taxes.

Section 5. That the said bonds shall be sold as soon as reasonably possible after the approval of this Act, and it shall be the duty of the said Receiver of Taxes and County Treasurer, the President of the Levy Court, and the Clerk of the Peace of Sussex County to advertise that sealed bids will be received for the purchase of the same at such place or places and under such regulations as they may designate in said advertisements. Said advertisements shall be published, at least, twice a week for four consecutive weeks in such newspapers in and out of the State of Delaware, as they, in their judgment, may deem necessary and proper. The accrued interest between the date appearing in said bonds and the time of the sale and delivery thereof and payment therefor, shall be adjusted with the purchaser thereof under such regulations as the said, the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Sussex County may direct in said advertisements. Provided, however, that any and all over due coupons attached to said bonds shall be cancelled before the sale and delivery of the same. And provided further that said officers shall have the right to reject any and all bids for said bonds, if in their judgment they are deemed insufficient.

If no bids are received for said bonds or if the bids received are rejected because of being inadequate, the said the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Sussex County may sell the same at private sale for the best price obtainable therefor. Provided, however, that they shall not be sold at private sale for less than par and accrued interest. No commission, or other compensation, shall be charged or paid to any of said officers for effecting the sale of said bonds.

Section 6. That both the principal and interest of said bonds shall be payable at the Farmers' Bank of the State of Delaware, at

LEVY COURTS, REFUNDING OF SUSSEX COUNTY HIGHWAY
IMPROVEMENT BONDS, SECOND SERIES

Georgetown, out of monies from time to time appropriated for that purpose by the said Levy Court of Sussex County, as hereinafter provided. The said Levy Court of Sussex County is hereby authorized, directed and required to pay the interest on said bonds at the said Farmers' Bank from time to time and when and as the same shall become due and payable, and to pay said bonds at said bank when and as the respective classes shall mature or become due and payable in accordance with the schedule set forth in Section 3 hereof, or in accordance with any of the other provisions of this Act.

Section 7. That the said Levy Court, in fixing the rate of taxation, shall annually, until the first installment of said bonds shall become due and payable, provide for a sum equal to the amount of interest due each year upon said bonds, and as and when any of said bonds shall mature and become due and payable under Section 3 hereof, shall in like manner provide for a sum sufficient for the payment or redemption of such bonds in addition to the amount necessary to pay the interest on the unpaid bonds as before provided, which shall, when collected and paid to the Receiver of Taxes and County Treasurer, be set apart by him in a separate account to be opened for that purpose; and the said Receiver of Taxes and County Treasurer shall apply the said sum annually to the payment of the principal and interest of such of the bonds as may from time to time become due under the provisions of Section 3 of this Act.

Section 8. That all monies received from the sale of any or all of the said bonds, after the payment of the proper charges and expenses incident to the preparation and sale thereof, shall be deposited with the Receiver of Taxes and County Treasurer of Sussex County in a separate account, to be opened by him for that purpose, and shall be used for the payment of the said "Sussex County Highway Improvement Bonds Second Series", issued under authority of said Chapter 92, of Volume 32, Laws of Delaware, and for no other purpose whatever.

LEVY COURTS, REFUNDING OF SUSSEX COUNTY HIGHWAY
IMPROVEMENT BONDS, SECOND SERIES

Section 9. That the said bonds, herein provided for, shall be in substantially the following form; subject, however, to the provisions of Section 11 of this Act:

United States of America
State of Delaware

Class..... Number.....

SUSSEX COUNTY HIGHWAY IMPROVEMENT REFUNDING
BONDS SECOND SERIES

Sussex County, in the State of Delaware, for value received, hereby acknowledges its indebtedness and promises to pay to the bearer of this bond the sum of One Thousand Dollars (\$1,000.00), lawful money of the United States of America, at the Farmers' Bank of the State of Delaware, at Georgetown, with interest thereon at the rate of _____ percentum per annum, payable semi-annually on the _____ day of _____ and _____, each year.

This bond is one of the authorized issue of Eight Hundred and Seventy-five (875) bonds, aggregating Eight Hundred and Seventy-five Thousand Dollars (\$875,000.00), under and by virtue of and in strict compliance with an Act of the General Assembly of the State of Delaware, entitled "An Act Authorizing and Directing the Levy Court of Sussex County to Refund a Certain Part of the Debt of Said County Known as 'Sussex County Highway Improvement Bonds Second Series' ", Approved _____ 1935. And it is expressly understood and agreed that the said Levy Court of Sussex County reserves the right and power, at its option, to call in, pay and redeem this bond, on any semi-annual interest period, after five years from the date of issue thereof, pursuant to the notice in that behalf, prescribed by the Act of the General Assembly under authority of which this bond is issued, and if this bond shall be called by the notice aforesaid, interest hereon shall

LEVY COURTS, REFUNDING OF SUSSEX COUNTY HIGHWAY IMPROVEMENT BONDS, SECOND SERIES

cease to accrue from and after the interest period next succeeding the date of such notice. It is hereby certified that this bond is one of the issue authorized by the above recited Act of the General Assembly and the faith and credit of said Sussex County are pledged for the punctual payment of the principal and interest of this bond according to its terms.

Sussex County in the State of Delaware hereby declares and covenants that in the execution and delivery of this bond, all the requirements of the Act referred to and of the Constitution and Laws of the State of Delaware have been fully complied with, and that all things necessary to the validity of this bond have happened and have been performed in the manner and form required by law.

IN WITNESS WHEREOF, the Receiver of Taxes and County Treasurer, the President of the Levy Court and Clerk of the Peace all of Sussex County have hereunto set their hands, and the seal used by the Levy Court of Sussex County has been hereto affixed, at Georgetown, Delaware, this _____ day of

A. D. 19 _____

Receiver of Taxes and County Treasurer
of Sussex County

President of the Levy Court of Sussex County

Clerk of the Peace of Sussex County

Section 10. That the coupons attached to said bonds shall be in the following form:

No.

Sussex County, Delaware, will pay to the bearer at the Farmers' Bank of the State of Delaware, at Georgetown, on the first day of A. D. 19 _____, the sum of _____ Dollars for six months' interest on Bond No.

LEVY COURTS, REFUNDING OF SUSSEX COUNTY HIGHWAY
IMPROVEMENT BONDS, SECOND SERIES

SUSSEX COUNTY HIGHWAY IMPROVEMENT REFUNDING
BONDS SECOND SERIES

Receiver of Taxes and County Treasurer of
Sussex County

Section 11. The bonds, herein provided for, or any of them, may be called in, paid and redeemed at par and accrued interest out of any funds provided by the Levy Court of Sussex County, at the option of the said Levy Court of Sussex County, at any interest period, after the said bonds, or any of them, shall have been issued and sold five years, upon thirty days' notice published in one newspaper in the City of Philadelphia and State of Pennsylvania, and in one newspaper published in the City of Wilmington and State of Delaware; said notices indicating by their numbers the bonds therein called and elected to be paid and redeemed, and in case any of said bonds shall be called by the notice aforesaid, the interest thereon shall cease to accrue from and after the interest period next succeeding the date of such notice. Said bonds may, also, contain such other provisions not inconsistent with this Act, as said Levy Court shall, by Resolution to that effect, determine.

Section 12. When and as any of the bonds herein provided for shall be paid, or redeemed under any of the provisions of this Act, they shall be cancelled by marking or stamping the word "paid" and the date of such payment, across the face thereof, and, also, by tearing the signatures and the corporate seal used by the Levy Court of Sussex County therefrom. The said bonds, so cancelled as aforesaid, shall then be pasted in a book, kept by the Receiver of Taxes and County Treasurer for that purpose.

Approved March 29, 1935.

CHAPTER 132

LEVY COURTS, REFUNDING OF SUSSEX COUNTY HIGHWAY IMPROVEMENT BONDS

AN ACT AUTHORIZING AND DIRECTING THE LEVY COURT OF SUSSEX COUNTY TO REFUND A CERTAIN PART OF THE DEBT OF SAID COUNTY KNOWN AS "SUSSEX COUNTY HIGHWAY IMPROVEMENT BONDS."

WHEREAS, by Act of the General Assembly of the State of Delaware, approved April 9, 1917, being Chapter 105 of Volume 29, Laws of Delaware, a joint Committee, composed of the members of the Levy Court of Sussex County, together with a Committee of three, to be composed of the Governor and two other citizens of Sussex County to be appointed by the Governor, one from each of the principal political parties to be known as an Advisory Committee, was authorized and empowered to borrow upon the faith and credit of said County, a sum not exceeding One Million Dollars (\$1,000,000.00), to be expended for the permanent improvement of highways in Sussex County, and for the purpose of securing the payment of such sum to issue Bonds, with coupons attached, and bearing such rate of interest, not exceeding four and one-half per centum ($4\frac{1}{2}\%$) per annum, as said Levy Court and said Advisory Committee should deem expedient; and

WHEREAS, the said joint Committee, in pursuance of said Act, issued said Bonds to the amount of One Million Dollars (\$1,000,000.00), known and designated "Sussex County Highway Improvement Bonds"; and

WHEREAS, there are remaining outstanding of said Bonds the sum of Seven Hundred and Seventy-five Thousand Dollars (\$775,000.00); and

WHEREAS, it is now the intent and purpose of this Act that the said indebtedness represented by said outstanding Bonds, amounting to the sum of Seven Hundred and Seventy-five Thousand Dollars (\$775,000.00), shall be refunded, at a lower rate of interest;

LEVY COURTS, REFUNDING OF SUSSEX COUNTY HIGHWAY
IMPROVEMENT BONDS

Now therefore, be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Levy Court of Sussex County be and it is hereby authorized, fully empowered and directed to borrow upon the faith and credit of Sussex County the sum of Seven Hundred and Seventy-five Thousand Dollars (\$775,000.00), for the purpose of paying, refunding and redeeming the remaining outstanding "Sussex County Highway Improvement Bonds", issued under authority of Chapter 105 of Volume 29, Laws of Delaware, amounting to the sum of Seven Hundred and Seventy-five Thousand Dollars (\$775,000.00), the said bonds so to be issued to be known as "Sussex County Highway Improvement Refunding Bonds."

Section 2. That the said bonds shall be of the denomination of one thousand dollars (\$1,000.00) each and bear interest at such rate, not exceeding three percentum (3%) per annum, as the said Levy Court of Sussex County shall determine.

The interest upon the said bonds shall be payable semi-annually in each and every year from the date of issue appearing therein, and all of the said bonds shall bear the same date and be numbered consecutively from one to seven hundred and seventy-five (1 to 775), inclusive.

Section 3. That the said bonds shall be divided into thirty-one classes, and shall be paid at their face value, as follows:

Class	Amount	Year of Maturity
A	\$25,000.00	1937
B	25,000.00	1938
C	25,000.00	1939
D	25,000.00	1940
E	25,000.00	1941
F	25,000.00	1942
G	25,000.00	1943
H	25,000.00	1944

LEVY COURTS, REFUNDING OF SUSSEX COUNTY HIGHWAY
IMPROVEMENT BONDS

Class	Amount	Year of Maturity
I	25,000.00	1945
J	25,000.00	1946
K	25,000.00	1947
L	25,000.00	1948
M	25,000.00	1949
N	25,000.00	1950
O	25,000.00	1951
P	25,000.00	1952
Q	25,000.00	1953
R	25,000.00	1954
S	25,000.00	1955
T	25,000.00	1956
U	25,000.00	1957
V	25,000.00	1958
W	25,000.00	1959
X	25,000.00	1960
Y	25,000.00	1961
Z	25,000.00	1962
AA	25,000.00	1963
BB	25,000.00	1964
CC	25,000.00	1965
DD	25,000.00	1966
EE	25,000.00	1967

Section 4. That the said bonds shall be prepared under the supervision of the said Levy Court of Sussex County and shall be signed by the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Sussex County.

It shall be the duty of the said Levy Court to prepare, or have prepared, the said bonds as soon as reasonably can be done after the approval of this Act; and it shall be the duty of the said officers to execute the said bonds as soon as the said bonds are prepared, as aforesaid; and it shall be the duty of the said Receiver of Taxes and County Treasurer to keep a record of the said bonds. The

LEVY COURTS, REFUNDING OF SUSSEX COUNTY HIGHWAY
IMPROVEMENT BONDS

said bonds issued under the provisions of this Act shall be exempt from all State, County, Municipal or other Taxes.

Section 5. That the said bonds shall be sold as soon as reasonably possible after the approval of this Act, and it shall be the duty of the said Receiver of Taxes and County Treasurer, the President of the Levy Court, and the Clerk of the Peace of Sussex County to advertise that sealed bids will be received for the purchase of the same at such place or places and under such regulations as they may designate in said advertisements. Said advertisements shall be published, at least, twice a week for four consecutive weeks in such newspapers in and out of the State of Delaware, as they, in their judgment, may deem necessary and proper. The accrued interest between the date appearing in said bonds and the time of the sale and delivery thereof and payment therefor, shall be adjusted with the purchaser thereof under such regulations as the said, the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Sussex County may direct in said advertisements. Provided, however, that any and all overdue coupons attached to said bonds shall be cancelled before the sale and delivery of the same. And provided further that said officers shall have the right to reject any and all bids for said bonds, if in their judgment they are deemed insufficient.

If no bids are received for said bonds, or if the bids received are rejected because of being inadequate, the said the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Sussex County may sell the same at private sale for the best price obtainable therefor. Provided, however, that they shall not be sold at private sale for less than par and accrued interest. No commission, or other compensation, shall be charged or paid to any of said officers for effecting the sale of said bonds.

Section 6. That both the principal and interest of said bonds shall be payable at the Farmers' Bank of the State of Delaware, at Georgetown, out of monies from time to time appropriated for

LEVY COURTS, REFUNDING OF SUSSEX COUNTY HIGHWAY
IMPROVEMENT BONDS

that purpose by the said Levy Court of Sussex County, as hereinafter provided. The said Levy Court of Sussex County is hereby authorized, directed and required to pay the interest on said bonds at the said Farmers' Bank from time to time and when and as the same shall become due and payable, and to pay said bonds at said bank when and as the respective classes shall mature or become due and payable in accordance with the schedule set forth in Section 3 hereof, or in accordance with any of the other provisions of this Act.

Section 7. That the said Levy Court, in fixing the rate of taxation, shall annually, until the first installment of said bonds shall become due and payable, provide for a sum equal to the amount of interest due each year upon said bonds, and as and when any of said bonds shall mature and become due and payable under Section 3 hereof, shall in like manner provide for a sum sufficient for the payment or redemption of such bonds in addition to the amount necessary to pay the interest on the unpaid bonds as before provided, which shall, when collected and paid to the Receiver of Taxes and County Treasurer, be set apart by him in a separate account to be opened for that purpose; and the said Receiver of Taxes and County Treasurer shall apply the said sum annually to the payment of the principal and interest of such of the bonds as may from time to time become due under the provisions of Section 3 of this Act.

Section 8. That all monies received from the sale of any or all of the said bonds, after the payment of the proper charges and expenses incident to the preparation and sale thereof, shall be deposited with the Receiver of Taxes and County Treasurer of Sussex County in a separate account, to be opened by him for that purpose, and shall be used for the payment of the said "Sussex County Highway Improvement Bonds" issued under authority of said Chapter 105 of Volume 29, Laws of Delaware, and for no other purpose whatever.

Section 9. That the said bonds, herein provided for, shall be in substantially the following form; subject, however, to the provisions of Section 11 of this Act:

LEVY COURTS, REFUNDING OF SUSSEX COUNTY HIGHWAY
IMPROVEMENT BONDS

United States of America
State of Delaware

Class..... Number.....

Sussex County Highway Improvement Refunding Bonds

Sussex County, in the State of Delaware, for value received, hereby acknowledges its indebtedness and promises to pay to the bearer of this bond the sum of One Thousand Dollars (\$1,000.00), lawful money of the United States of America, at the Farmers' Bank of the State of Delaware, at Georgetown, with interest thereon at the rate of percentum per annum, payable semi-annually on the day of and each year.

This bond is one of the authorized issue of seven hundred and seventy-five (775) bonds, aggregating Seven Hundred and Seventy-five Thousand Dollars (\$775,000.00), under and by virtue of and in strict compliance with an Act of the General Assembly of the State of Delaware, entitled "An Act Authorizing and Directing the Levy Court of Sussex County to Refund a Certain Part of the Debt of Said County, Known as 'Sussex County Highway Improvement Bonds'", approved 1935. And it is expressly understood and agreed that the said Levy Court of Sussex County reserves the right and power, at its option, to call in, pay and redeem this bond, on any semi-annual interest period, after five years from the date of issue thereof, pursuant to the notice in that behalf, prescribed by the Act of the General Assembly under authority of which this bond is issued, and if this bond shall be called by the notice aforesaid, interest hereon shall cease to accrue from and after the interest period next succeeding the date of such notice. It is hereby certified that this bond is one of the issue authorized by the above recited Act of the General Assembly and the faith and credit of said Sussex County are pledged for the punctual payment of the principal and interest of this bond according to its terms.

LEVY COURTS, REFUNDING OF SUSSEX COUNTY HIGHWAY IMPROVEMENT BONDS

Sussex County in the State of Delaware hereby declares and covenants that in the execution and delivery of this bond, all the requirements of the Act referred to and of the Constitution and Laws of the State of Delaware have been fully complied with, and that all things necessary to the validity of this bond have happened and have been performed in the manner and form required by law.

IN WITNESS WHEREOF, the Receiver of Taxes and County Treasurer, the President of the Levy Court and Clerk of the Peace all of Sussex County have hereunto set their hands, and the seal used by the Levy Court of Sussex County has been hereto affixed, at the City of Georgetown, Delaware, this _____ day of _____ A. D. 19 _____

Receiver of Taxes and County Treasurer of Sussex County

President of the Levy Court of Sussex County

Clerk of the Peace of Sussex County

Section 10. That the coupons attached to said bonds shall be in the following form:

No.....

Sussex County, Delaware, will pay to the bearer at the Farmers' Bank of the State of Delaware, at Georgetown, on the first day of _____ A. D. 19 _____, the sum of _____ Dollars for six months' interest on Bond No.....

SUSSEX COUNTY HIGHWAY IMPROVEMENT REFUNDING BONDS

Receiver of Taxes and County Treasurer of Sussex County

LEVY COURTS, REFUNDING OF SUSSEX COUNTY HIGHWAY
IMPROVEMENT BONDS

Section 11. The bonds, herein provided for, or any of them, may be called in, paid and redeemed at par and accrued interest out of any funds provided by the Levy Court of Sussex County, at the option of the said Levy Court of Sussex County, at any interest period, after the said bonds, or any of them, shall have been issued and sold five years, upon thirty days' notice published in one newspaper in the City of Philadelphia and State of Pennsylvania, and in one newspaper published in the City of Wilmington and State of Delaware; said notices indicating by their numbers the bonds therein called and elected to be paid and redeemed, and in case any of said bonds shall be called by the notice aforesaid, the interest thereon shall cease to accrue from and after the interest period next succeeding the date of such notice. Said bonds may, also, contain such other provisions not inconsistent with this Act, as said Levy Court shall, by Resolution to that effect, determine.

Section 12. When and as any of the bonds herein provided for shall be paid, or redeemed under any of the provisions of this Act, they shall be cancelled by marking or stamping the word "paid" and the date of such payment, across the face thereof, and, also, by tearing the signatures and the corporate seal used by the Levy Court of Sussex County therefrom. The said bonds, so cancelled as aforesaid, shall then be pasted in a book, kept by the Receiver of Taxes and County Treasurer for that purpose.

Approved March 29, 1935.

CHAPTER 133

VALUATION AND ASSESSMENT OF PROPERTY
SALARIES OF MEMBERS OF
BOARD OF ASSESSMENT IN SUSSEX COUNTY

AN ACT TO AMEND CHAPTER 44, OF THE REVISED CODE OF THE STATE OF DELAWARE (AS AMENDED BY CHAPTER 79, VOLUME 28; CHAPTER 73, VOLUME 29; AND CHAPTER 77, VOLUME 30; LAWS OF DELAWARE) IN RELATION TO THE SALARY OF THE MEMBERS OF THE BOARD OF ASSESSMENT OF SUSSEX COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That 1103, Section 6 of Chapter 44 of the Revised Code of the State of Delaware, as amended by Chapter 79, Volume 28; Chapter 73, Volume 29; and Chapter 77, Volume 30; Laws of Delaware, be and the same is hereby further amended by striking out all of 1103A, Section 6A, thereof and inserting in lieu thereof the following which shall be styled 1103A, Section 6A.

1103A Sec. 6A. Each member of the Board of Assessment for Sussex County shall receive for the year in which a general assessment is made the sum of One Thousand Dollars (\$1,000.00), payable in equal monthly instalments, and in the year in which an annual assessment is made, the sum of Seven Hundred and Fifty Dollars (\$750.00), payable in equal monthly instalments. No member of said Board of Assessment shall be paid his monthly salary, however, until the said Levy Court shall be satisfied that the said member of said Board of Assessment has faithfully performed the duties of his office during the preceding month. And in addition to said annual salary, each member of said Board of Assessment shall be paid by the Levy Court of Sussex County his actual and necessary traveling expenses incurred by him in traveling over the County for the purpose of investigating the value of any taxable property, either real or personal, in the County; and, when sitting for the purpose of hearing appeals from assessment, during the month of February of each year as by law required, the mem-

VALUATION AND ASSESSMENT OF PROPERTY
SALARIES OF MEMBERS OF
BOARD OF ASSESSMENT IN SUSSEX COUNTY

bers of said Board of Assessment shall be paid their actual and necessary expenses for board and traveling, in connection with their duties as a Board of Appeals.

Provided, however, that all bills for expenses presented by the members of said Board of Assessment as herein provided, shall be itemized and duly verified before they shall be allowed by the Levy Court. No other or further compensation or emoluments in any guise whatsoever, shall be allowed or paid to said members of the Board of Assessment.

Approved March 11, 1935.

CHAPTER 134

VALUATION AND ASSESSMENT OF PROPERTY
LIMITING TAX RATE FOR ROAD PURPOSES

AN ACT TO DISCONTINUE THE LEVYING AND COLLECTION OF TAXES IN ALL THE COUNTIES OF THIS STATE, FOR ROAD PURPOSES, AND LIMITING THE TOTAL TAX RATE IN SAID COUNTIES FOR COUNTY PURPOSES.

WHEREAS, the State of Delaware, by and through the State Highway Department, on July 1, A. D. 1935, proposes to take over and convert into State highways, all public roads with their appurtenances now maintained and/or controlled by the Levy Courts of the respective counties of this State; and

WHEREAS, taxes imposed and collected by the counties of this State heretofore included an impost, levy or assessment for road purposes, which upon the State taking over all county roads, should no longer be imposed or collected; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That on and after the first day of July, A. D. 1935, and upon the State of Delaware taking over and converting county public roads into State highways, that no county or its officers shall levy, assess, impose or collect any money or tax for county road purposes and that the total tax rate for all purposes in New Castle County shall not exceed the sum of fifty cents (50c) on each One Hundred Dollars (\$100.00) of assessment, and that the total tax rate for all purposes in Kent County shall not exceed the sum of forty cents (40c) on each One Hundred Dollars (\$100.00) of assessment, and that the total tax rate for all purposes in Sussex County shall not exceed the sum of fifty cents (50c) on each One Hundred Dollars (\$100.00) of assessment.

Section 2. That in the event that any county, by and through its officers, at the time this Act shall become operative, shall have levied, assessed, or imposed any tax for road purposes to be col-

VALUATION AND ASSESSMENT OF PROPERTY
LIMITING TAX RATE FOR ROAD PURPOSES

lected after the first day of July, A. D. 1935, that such levy, assessment or imposition of said tax or taxes to such an extent only, shall become null and void and shall not be collected, and any and all tax bills, tax warrants, tax duplicates, books, vouchers, accounts, bond or bonds of any tax collector shall be forthwith corrected and modified to such an extent only.

Section 3. That all laws or parts of laws inconsistent herewith are hereby repealed to the extent of such inconsistency.

Approved March 29, 1935.

CHAPTER 135

RECEIVER OF TAXES AND COUNTY TREASURER
NEW CASTLE COUNTY

AN ACT TO AMEND CHAPTER 45 OF THE REVISED CODE OF DELAWARE, 1915, AS AMENDED, RELATING TO THE COLLECTION OF TAXES IN NEW CASTLE COUNTY, ABOLISHING THE OFFICE OF COLLECTOR OF TAXES FOR EACH HUNDRED WITHIN SAID COUNTY, OUTSIDE OF THE CITY OF WILMINGTON, AND FURTHER DEFINING THE POWERS AND DUTIES OF THE RECEIVER OF TAXES AND COUNTY TREASURER OF SAID COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 45 of the Revised Code of Delaware, 1915, as amended, be and the same is hereby further amended by striking out and repealing all of 1146. Sec. 2; 1147. Sec. 3., as amended by Chapter 81 of Volume 33, Laws of Delaware; 1148. Sec. 4., as amended by Chapter 82 of Volume 33, Laws of Delaware; 1149. Sec. 5; 1150. Sec. 6; 1152. Sec. 8., as amended by Chapter 82 of Volume 33, Laws of Delaware; 1154. Sec. 10., as amended by Chapter 82 of Volume 33, Laws of Delaware; 1155. Sec. 11., as amended by Chapter 92 of Volume 34, and as further amended by Chapter 7 of Volume 35, Laws of Delaware; 1156. Sec. 12, as amended by Chapter 82 of Volume 33, Laws of Delaware; 1167. Sec. 23., as amended by Chapter 82 of Volume 33, Laws of Delaware; 1168. Sec. 24., as amended by Chapter 82 of Volume 33, Laws of Delaware; 1170. Sec. 26., 1170A. Sec. 26A., and 1170B. Sec. 26B., as amended by Chapter 82 of Volume 33, Laws of Delaware; 1171. Sec. 27; 1172. Sec. 28; 1173. Sec. 29; 1176. Sec. 32; 1179. Sec. 35., as amended by Chapter 75 of Volume 35, Laws of Delaware; 1180. Sec. 36; 1181. Sec. 37., as amended by Chapter 83 of Volume 33, Laws of Delaware; 1182. Sec. 38; 1183. Sec. 39; and by inserting in lieu of the hereinbefore named and numbered Sections, hereby stricken out and repealed, as aforesaid, the following new sections:

1146. Sec. 2. The Receiver of Taxes and County Treasurer

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shall collect all taxes payable to the county, which are assessed and levied within New Castle County, and also all school taxes assessed and levied therein except as otherwise provided by law.

1147. Sec. 3. It shall be the duty of the Levy Court Commissioners to have prepared, from the assessment lists last made as required by law, duplicates of the taxes payable to the county in each and every Hundred of New Castle County for the use of the Receiver of Taxes and County Treasurer on or before the First day of July in every year, and they shall fix the rate of all taxes payable to the County and issue their warrant to the Receiver of Taxes and County Treasurer for the same. The said Receiver of Taxes and County Treasurer may at any time after the duplicates of the assessment lists are delivered to him, prepare the necessary receipts for any or all taxables appearing on said duplicate, omitting the signing and sealing of said receipts so that upon payment of any tax by any taxable, a proper receipt therefor may be furnished without unnecessary delay, which receipt when delivered upon the payment of taxes shall show the amount of the assessment, distinguishing real, personal and capitation assessments, and the rate of taxes payable to the County and the discount or additional percentage as the case may be, on the payments. Each receipt shall have a corresponding stub and the said Receiver of Taxes and County Treasurer shall make the same entries on the stub attached to each receipt as are contained in each receipt.

1148. Sec. 4. The Receiver of Taxes and County Treasurer shall have his office in the County Building in the City of Wilmington, and it shall be his duty to be present, either in person or by deputy, at said office every day, except Sundays, Saturdays and legal holidays, from nine o'clock in the morning until five o'clock in the afternoon, and on every Saturday from nine o'clock in the morning until twelve o'clock noon, for the purpose of receiving taxes payable to the county in each and every Hundred of New Castle County.

The Receiver of Taxes and County Treasurer shall attend, either in person or by deputy, at least four days during the month of July and at least six days during the months of August and September,

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of every year, at some convenient place or places in each and every Hundred, other than Wilmington Hundred, at such times as may be deemed convenient for the purpose of receiving taxes payable to the county. He shall give notice of such purpose and the time and places by proper advertisements posted in at least five of the most public places in each and every Hundred, other than Wilmington Hundred, and in such other manner as the Levy Court shall authorize and direct.

1149. Sec. 5. In the month of May of each year the Receiver of Taxes and County Treasurer shall deliver to the County Comptroller, the stub mentioned in Section 3 of this Chapter, from all receipts delivered by him to taxables upon the payment of taxes. The County Comptroller shall examine and preserve all of the said stubs.

The books, vouchers and accounts of the Receiver of Taxes and County Treasurer shall be examined, audited and inspected by the Certified Public Accountant appointed under the provisions of Chapter 71, Volume 38, Laws of Delaware.

1150. Sec. 6. The Levy Court Commissioners shall on or before the first day of July in every year, cause to be issued to the Receiver of Taxes and County Treasurer two duplicates of the assessment list of each and every Hundred of New Castle County, other than Wilmington Hundred, and one duplicate for Wilmington Hundred, for all taxes payable to the county and also all school taxes to be collected by said Receiver of Taxes and County Treasurer. The said duplicates shall be certified by the Clerk of the Peace with warrant thereto annexed. Said warrant shall be under the hand of at least a majority of said Commissioners and according to the following form and regulation:

STATE OF DELAWARE }
NEW CASTLE COUNTY } SS:

To the Receiver of Taxes and County Treasurer of New Castle County, greeting:

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We command you that you collect from the several persons named in the duplicate annexed, for the taxes payable to the county of New Castle for the year the following rate per centum on the amount of their respective assessments, and so pro rata, that is to say, the rate of per Hundred Dollars for the Tax, the rate of per Hundred Dollars for the Tax, and the rate of per Hundred Dollars for the Tax; and if any person named in said duplicate shall not pay the said rates in ten days after you have demanded the same, we command you, in such case, that you levy and make the said rates, or the part thereof remaining unpaid, with lawful costs, in the manner prescribed by law; and if goods or chattels, lands or tenements of such persons cannot be found sufficient to satisfy such rates with costs, in such case, that you take such person and convey him to the common jail and deliver him to the keeper thereof, who is commanded to receive and keep him in safe custody until the rates, with costs, be paid, or such person be legally discharged. And we further command you, that you pay the amount, which, according to this warrant and the annexed duplicate, you are required to collect, in the manner and within the time appointed by law in this behalf. Hereof fail not at your peril.

Given at by order of the Levy Court under the hands of us, Commissioners of said Court, the day of A. D. 19.....

* * * * *
* Seal of Office *
* of the *
* Clerk of the Peace *
* * * * *

COMMISSIONERS

ATTEST:

Clerk of the Peace

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Every warrant shall be sealed with the seal of the Clerk of the Peace, and attested by him according to the foregoing form.

The Receiver of Taxes and County Treasurer of New Castle County, shall, upon the delivery to him of the tax duplicates and warrants, be responsible for the whole amount of the taxes levied and assessed in said County and which he shall be required to collect, or that shall be committed to him for collection, subject only to allowances made by the Levy Court for delinquencies, or otherwise; and he shall on the first Tuesday of June next after the date of his warrants render to the Levy Court a true account of all taxes it was his duty to collect, and of all payments made, and of all delinquents.

1152. Sec. 8. All taxes assessed against real estate shall continue a lien against all such real estate within the county for the space of ten years from the first day of July of the year for which said taxes were levied, but if the said real estate remains the property of the person who was the owner at the time that it was assessed, then the lien shall continue until the tax is collected.

1154. Sec. 10. The said Receiver of Taxes and County Treasurer shall on or before the fifteenth day of December of each year, make at least one demand in writing upon every person or corporation liable for the payment of any taxes payable to the county and due to him for said year then remaining unpaid for the payment thereof, stating the amount due and that, if the same are not paid during the said month of December, legal proceedings will be instituted for the collection thereof. The failure to give said notice shall not constitute a bar to any of the proceedings hereinafter authorized and directed. Said notice may either be delivered personally to such person or to the President or to one of the directors of any such corporation or said notice may be mailed in a sealed post-paid envelope directed to the last known address of the said person or corporation, and the day of said mailing shall be deemed and taken as the day of the giving of said notice.

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1155. Sec. 11. The said Receiver of Taxes and County Treasurer shall, on and after the first day of January in every year, institute proceedings against all persons or corporations liable for the payment of any taxes payable to the county and due to him then remaining due and unpaid for any year or years prior thereto. Said proceedings may be instituted in any case in the Superior Court of the State of Delaware sitting in and for New Castle County; or where the amount due is not greater than the sum of One Thousand Dollars, exclusive of costs, said proceedings may be instituted in the Court of Common Pleas for New Castle County; or where the amount due is not greater than Two Hundred Dollars, exclusive of costs, said proceedings may be instituted before any Justice of the Peace residing in New Castle County. Said proceedings shall be by attachment and shall be as follows:

An affidavit shall be made and filed by the said Receiver of Taxes and County Treasurer, or by some creditable person for him, stating that the defendant is justly indebted to the plaintiff in the sum of (stating the sum due for taxes) for the year (stating the year for which said taxes are due) with the Prothonotary of said Superior Court or the Clerk of the said Court of Common Pleas or the said Justice of the Peace (as the case may be) and thereupon the said Prothonotary or Clerk of the Court of Common Pleas or the said Justice of the Peace (as the case may be), shall issue a writ of attachment directed to the Sheriff of New Castle County commanding said Sheriff that he attach all the lands and tenements, goods and chattels, rights and credits, monies and effects of the said defendant within New Castle County to answer the said plaintiff in a cause of action wherein the sum of dollars for taxes for the year is demanded and that he, the said Sheriff summon any garnishee or garnishees of the said defendant found within his bailiwick to appear before the said Superior Court or before the said Court of Common Pleas or before the said Justice of the Peace (as the case may be), on the day of, A. D., at o'clock in the, to answer what goods and chattels, rights and credits, monies and

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effects of the said defendant may be in his or their hands respectively and that he have then there said writ of attachment with his doings thereon duly endorsed. Said writ of attachment if issued by the Prothonotary of the said Superior Court shall be returnable on the first day of the next term after its issuance and if issued by the Clerk of the Court of Common Pleas or by a Justice of the Peace shall be returnable within fifteen days. There shall be omitted from said writ of attachment, if issued by the Clerk of the Court of Common Pleas or by a Justice of the Peace the words "lands and tenements."

Under said writ of attachment, if issued by the said Prothonotary, the said Sheriff shall be authorized to attach not only the lands and tenements belonging to the said defendant, but such other lands and tenements, or any part thereof, theretofore belonging to the said defendant against which the taxes sued for are a lien.

If the said Sheriff is unable to find any property, rights, credits, monies or effects of the defendant subject to attachment within his bailiwick or in the hands of any person or corporation within his bailiwick, then a further writ or writs of attachment may be issued until the Sheriff shall find property, rights, credits, monies or effects subject to attachment within his bailiwick.

Notice of said attachment shall also be given to the defendant whenever practicable. If said defendant is a person, such writ may either be served upon him personally or by leaving a copy thereof at his usual place of abode within New Castle County more than six days before the return thereof in the presence of an adult person, and if the defendant is a corporation, such writ may either be served personally on the president or one of the directors thereof or by leaving a copy thereof at its principal place of business in New Castle County more than six days before the return thereof in the presence of an adult person, or if said person does not reside in New Castle County, or if said corporation has no place of business in New Castle County, a copy thereof may be mailed in a sealed postpaid envelope directed to the last known address or place of

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business of the said defendant more than six days before the return thereof, and the day of mailing shall be deemed and taken as the day of the giving of said notice, but the failure to give said notice shall not divest the said Court or the said Justice of the Peace before whom said proceedings were instituted of jurisdiction to hear and determine the said proceedings in the manner hereinafter following:

The defendant in any said attachment whose lands, tenements, goods, chattels, rights, credits, monies or effects have been attached at any time before the expiration of ten days after the return of said attachment may file in the Court or with the Justice of the Peace where said writ is returnable an affidavit denying the demand of said plaintiff in whole or in part. In every case in which lands, tenements, goods, chattels, rights, credits, monies or effects of the said defendant have been attached, and no affidavit is filed as aforesaid by the said defendant, judgment on motion shall be entered in favor of the said plaintiff and against the said defendant for the amount shown to be due by the affidavit filed by the said plaintiff together with his costs, and in every case in which lands, tenements, goods, chattels, rights, credits, monies or effects of the said defendant have been attached and an affidavit has been filed by the said defendant as aforesaid, the said Superior Court or the said Court of Common Pleas or the said Justice of the Peace (as the case may be), shall proceed to direct an issue to be tried by a Jury at the bar of the said Superior Court or by a reference to three judicious and impartial citizens before the said Court of Common Pleas to be appointed by said Court or before the Justice of the Peace to be appointed by said Justice of the Peace (as the case may be) for ascertaining whether there is a just demand and the amount thereof, and their verdict or finding shall be final and conclusive.

If the defendant give to the plaintiff a bond with sufficient surety to be approved by the Sheriff before the return of the attachment or by the Court or Justice of the Peace (as the case may be), after the return thereof to pay any judgment recovered against him with costs, the property attached and the garnishee summoned shall be discharged. If the said bond be not given, the Court or Justice

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of the Peace (as the case may be), upon the entry of judgment against said defendant as aforesaid and upon the petition of the said plaintiff, shall forthwith make an order for the sale of the property attached upon due notice or so much thereof as shall be necessary to pay said judgment with the costs, and shall render judgment against every garnishee summoned upon the attachment that has answered, confessing goods, chattels, rights, credits, monies or effects in his, her or its hands or upon the verdict of a Jury in the said Superior Court against him or upon the finding against him on a hearing before the said Court of Common Pleas or Justice of the Peace (as the case may be), if required to plead, as in other proceedings by attachment. If the property attached is in whole or in part real estate, the said Court making the order for the sale of said property shall also order that notice be given to all persons or corporations holding liens and encumbrances against said real estate, as set out in said petition of said plaintiff but the failure to include in the said petition or in the said order the name of any person or corporation holding any such lien or encumbrance or the failure to give such notice to such person or corporation shall not be sufficient cause to set aside such sale, but the said real estate so sold shall not be sold or discharged of liens and encumbrances existing against it held by any person or corporation not named in the said order and not served with the said notice. Said notice shall be served personally upon such persons holding liens at least six days before the day of sale, by delivering to each of such persons a copy of said order of sale or by leaving a copy thereof at the usual place of abode of such persons within New Castle County in the presence of an adult person. In case it appears to the said Court that any of such persons holding liens has no known place of abode within New Castle County and cannot be served personally, the said Court shall order that publication of notice of said sale be made in such newspaper or newspapers published in New Castle County as shall in the judgment of said Court best serve to bring to such person knowledge of said sale. The residue of the property attached, after satisfying the judgment and costs, shall be restored or paid to the defendant without delay.

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The defendant in any such writ of attachment shall not be entitled to the benefit of any of the exemption laws of the State of Delaware and all persons, firms, associations, corporations, public and private, including banks, trust companies, savings institutions, loan associations and insurance companies and public officers and the agents, servants and trustees of the said defendant shall be liable to be summoned as garnishee for which purpose service of the summons as provided in other attachment cases shall be sufficient to render said persons and the officers of the said corporations subject to all the liabilities provided by law and the answer of such persons and of such officers so served with said attachment shall be enforced in the same manner as is now provided by law in other cases.

The Levy Court of New Castle County shall have the authority to authorize any person or persons to make a bid or bids at the sale of any real estate under the provisions of this Section and in the event that such person or persons is the highest and best bidder or bidders therefor, the title thereto shall be taken in the name of the State of Delaware for the use of New Castle County; provided, however, that no such person or persons shall be authorized by the said Levy Court to make any bid or bids in excess of the aggregate amount of the debt, interest and costs due on the order of sale under which said real estate is exposed to sale and of any and all sum or sums due to the said Receiver of Taxes for taxes levied against such real estate.

The said Levy Court by resolution duly adopted, is authorized and empowered to sell and convey any real estate so purchased by it under the provisions of this Section for any sum equal to or in excess of the amount paid therefor by the said Levy Court, and a deed therefor, executed and acknowledged by the President of the said Levy Court pursuant to the said resolution and to which is affixed the seal of the Court of General Sessions in and for New Castle County, shall be sufficient to pass title to the said purchaser.

1156. Sec. 12. The said Receiver of Taxes and County Treasurer may at any time prior to the first day of January in any

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year institute proceedings against any person or corporation liable for the payment of any taxes payable to the county and due to him then remaining unpaid for said year in the manner hereinbefore provided upon there being stated in the affidavit as provided in Section 11 of this Chapter the further fact that the affiant has just cause to believe that the said plaintiff will lose the benefit of his process by delay.

1167. Sec. 23. The said Receiver of Taxes and County Treasurer, if he fails to proceed or is prevented from proceeding in the manner hereinbefore provided by reason of the death, insolvency or bankruptcy of the person or corporation liable for the payment of any taxes, or for any other cause, may, in any case, recover the amount of such taxes as he is by law authorized to collect in an action of debt before the said Superior Court of the State of Delaware sitting in and for New Castle County, or in any case where the amount due is not greater than the sum of one thousand dollars, exclusive of costs, before the Court of Common Pleas of New Castle County, or in any case where the amount due is not greater than the sum of two hundred dollars, exclusive of costs, before any Justice of the Peace residing in New Castle County, against the person to whom property is assessed or in case the property is owned by any person to whom it is not assessed, then against the owner or owners of said property, provided that if service, as in other actions of debt, be had upon any one of several owners of real estate upon which taxes are levied, service need not be had upon the other owner or owners of said real estate, if a copy of the writ is left with the tenant in possession or posted upon the premises six days before the return of the process. And where the said action is before either the said Superior Court or the said Court of Common Pleas for New Castle County, it shall be sufficient to set forth that the action is to recover a specified sum of money being a tax assessed against property owned by the defendant in whole or in part, together with such description of the property, whether real or personal, or both, as will be sufficient to identify the same and the year for which said taxes were levied.

A right of appeal shall be the same as in other civil actions.

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In case any defendant is a non-resident or a corporation not organized under the laws of the State of Delaware, proceedings may be had in the Superior Court for said County by attachment. Said writ of attachment shall be framed, directed, executed and returned and like proceedings had as in other cases of foreign attachment in this State, except that the Receiver of Taxes and County Treasurer shall only be required to make and file with the Prothonotary an affidavit stating that the defendant resides out of the State or is a corporation not existing under the laws of the State of Delaware (as the case may be), and that he or it is justly indebted for taxes in the sum ofdollars.

1168. Sec. 24. If judgment be rendered in favor of the said Receiver of Taxes and County Treasurer in an action of debt, an execution shall issue against the real or personal estate of the defendant; provided no execution against the said real estate shall issue except out of the Superior Court. Where such judgment is recovered before the Court of Common Pleas or before a Justice of the Peace and it is the desire of the Receiver of Taxes and County Treasurer to proceed against the real estate, the said Receiver of Taxes and County Treasurer shall take a transcript of the judgment from the Court of Common Pleas or Justice of the Peace and cause the same to be entered in the Superior Court of the State of Delaware in and for New Castle County. When such transcripts are entered, the subsequent proceedings shall be the same as upon other judgments. The lien of the judgment as aforesaid shall be deemed to relate back and take effect from the first day of July of the year for which said taxes upon which said judgment was recovered were levied.

A judgment for taxes in an action of debt entered in the said Superior Court within two years from the first day of July of the year for which said taxes were levied shall be a prior lien upon the real estate upon which said taxes were levied and shall be preferred to any and all liens of record entered or recovered against said real estate, although such liens of record have been entered or recovered before said judgment for taxes was entered; provided, however, that

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such judgment shall not be a general lien against the property of the defendant unless personal service is had upon him.

1170. Sec. 26. The remedies hereinbefore provided are cumulative and, if two or more proceedings are pending to recover the amount due for taxes upon the same property for any year, neither proceeding shall be pleaded in bar or in suspension of other of said proceedings; provided, however, that when the full amount due for said taxes upon said property for said year shall have been fully paid to the plaintiff in any said proceeding, together with all costs in all proceedings then pending, the plaintiff shall enter upon the records thereof discontinuances thereof.

The Receiver of Taxes and County Treasurer, who shall recover judgment in any proceeding hereinabove authorized shall recover therein a reasonable amount for counsel fees to be taxed as a part of the costs by the Court or Justice of the Peace before whom the said proceeding is tried.

The words "The Receiver of Taxes and County Treasurer", wherever used in this Chapter, shall be construed to mean respectively either the Receiver of Taxes and County Treasurer then in office, or the late or retiring Receiver of Taxes and County Treasurer, or any predecessor in office of the Receiver of Taxes and County Treasurer.

1171. Sec. 27. The Receiver of Taxes and County Treasurer shall have the same right to require the aid or assistance of the person or persons, in the performance of his duties, which a Sheriff has by law.

1172. Sec. 28. If any person against whom a capitation tax is assessed, in accordance with the provisions of Chapter 44 of the Revised Code of 1915, shall neglect or refuse to pay the same for thirty days after demand, the Receiver of Taxes and County Treasurer shall again demand the same of such person, together with thirty cents for the cost of such demand; and, if any such person

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upon whom such second demand is made as aforesaid, shall neglect or refuse to pay such tax or taxes, together with the costs of making such demand, then the Receiver of Taxes and County Treasurer shall seize upon the body of such person and commit him to the jail of New Castle County there to remain until he shall pay such tax and all legal costs, including the costs of making the second demand as aforesaid, and the costs of his board while so confined, or to be discharged therefrom in due course of law.

1173. Sec. 29. The Receiver of Taxes and County Treasurer may at any time notify the person or corporation, by whom any taxable is employed, that the tax of such employee is due and unpaid, and it shall be the duty of such employer to deduct from the wages of such employee the amount of the tax due from such employee and charge the same against him, and if such employer refuse or neglect to comply with the provisions of this Section within three months from the time of receiving such notice, he shall be personally liable for the taxes of persons employed by him, and the same may be recovered as in this Chapter provided for the recovery of taxes. When such taxes are held by such employer he shall pay the same to the Receiver of Taxes and County Treasurer within thirty days thereafter. A copy of this Section shall accompany all notices to such employers.

1176. Sec. 32. If said Receiver of Taxes and County Treasurer shall give a receipt for an extinguished tax, or fraudulently antedate or postdate any tax receipt, or use any other fraud in giving the same, he shall be deemed guilty of a misdemeanor, and he shall be fined One Hundred Dollars, and further shall forfeit and pay One Hundred Dollars to any person who will sue therefor.

1179. Sec. 35. The annual salary of the Receiver of Taxes and County Treasurer shall be Four Thousand Dollars (\$4,000.00). He may select and employ a chief deputy, who shall have power to act in the absence or disability of the said Receiver of Taxes and County Treasurer, and two other deputies, who shall assist the said Receiver of Taxes and County Treasurer and his chief deputy in

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the performance of their duties, and four clerks, and two delinquent tax investigators, and two bookkeepers, and one stenographer.

The chief deputy shall be paid an annual salary of Twenty-four Hundred Dollars (\$2400.00); and the other deputies shall each be paid an annual salary of Twenty-one Hundred Dollars (\$2100.00); and the clerks shall each be paid an annual salary of Eighteen Hundred Dollars (\$1800.00); and the delinquent tax investigators shall each receive an annual salary of Eighteen Hundred Dollars (\$1800.00); and the bookkeepers shall each receive an annual salary of Thirteen Hundred and Fifty Dollars (\$1350.00); and the stenographer shall receive an annual salary of Thirteen Hundred and Fifty Dollars (\$1350.00).

The deputies, clerks, delinquent tax investigators, bookkeepers, and stenographer, shall be under the control of the Receiver of Taxes and County Treasurer by whom they are selected and empowered.* He shall have the right to discharge any of them at any time and shall be responsible for their official acts, neglects and defaults.

The number of clerks which the Receiver of Taxes and County Treasurer may select and employ may be increased or decreased, from time to time, to such number or numbers as the Levy Court of New Castle County shall, in its discretion, deem proper to perform the public work required of the said officials; provided that any additional clerks to be so authorized or employed shall receive like annual salaries as in this section stated as the annual salary for each clerk.

The salaries of the chief deputy and other deputies, clerks and other employees of the said Receiver of Taxes and County Treasurer, as mentioned in this section, shall be paid to them by warrants drawn by the Levy Court of New Castle County on the County Treasurer in equal semi-monthly installments, upon the certificate of the Receiver of Taxes and County Treasurer that they have faithfully performed their duties during the preceding semi-month.

* So enrolled.

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In the event of the resignation or death of the Receiver of Taxes and County Treasurer of New Castle County, the chief deputy shall perform all the duties of the said Receiver of Taxes and County Treasurer, until the vacancy is filled in accordance with the provisions of Section 1 of this Act, if not in conflict with the Constitution of the State of Delaware.

1180. Sec. 36. The Receiver of Taxes and County Treasurer shall submit his duplicates, books and accounts to the County Comptroller, as provided by Section 5 of Chapter 46 of the Revised Code of the State of Delaware.

1181. Sec. 37. During the forenoon of Tuesday of every week, unless such day shall fall on a holiday, and in that event, during the forenoon of the first secular day thereafter, the Receiver of Taxes and County Treasurer shall render to the Clerk of the Peace for the use of New Castle County a statement of the amount of taxes received by him for road, poor and county purposes for the week ending with the preceding Saturday.

1182. Sec. 38. At the meeting in the month of June the Levy Court of New Castle County shall examine, adjust and settle the accounts of the Receiver of Taxes and County Treasurer, making all just allowances and shall, at the said meeting, examine and settle the delinquent lists of said Receiver of Taxes and County Treasurer, and make allowance of delinquents; upon such allowance the Receiver of Taxes and County Treasurer shall be credited with the amount thereof; provided, however, the Levy Court shall make no allowance for delinquents except upon satisfactory proof that the Receiver of Taxes and County Treasurer has exhausted all the remedies provided by this Chapter for collecting such tax or taxes. The name of the delinquent if he be dead or has removed from the State, shall be struck from the assessment list and also from the tax duplicate; otherwise, it shall remain on the assessment and be entered on the tax duplicate for the succeeding year. A delinquent list shall not be allowed until the expiration of five days from the day of its return by the Receiver of Taxes and County Treasurer;

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and any citizen of the County shall have the right, at any time after such return and before allowance, to inspect the same, upon making request to said Court, if in session, or to the Clerk of the Peace, if the Court is not in session; and if said Commissioners when application is made to them, shall not permit such inspection, they or such of them as refuse, shall be deemed guilty of a misdemeanor, and shall be fined Twenty Dollars; and at the trial such refusal may be proved by oral testimony. Before the Levy Court allows any delinquent list it shall require that the Receiver of Taxes and County Treasurer shall upon oath say that the delinquent list made out and returned by him to the Levy Court is true in all its statements to the best of his knowledge and belief; that he had exhausted all the remedies provided in this Chapter for collecting the same; and that no tax has been collected from any person so returned by him as delinquent. The oath hereby prescribed may be administered by the Clerk of the said Court, and any Receiver of Taxes and County Treasurer who shall swear falsely as to any matter to which he may be required to make oath by this Section shall be liable to the pains and penalties of perjury.

The Receiver of Taxes and County Treasurer shall, at the end of two years from the date of his duplicates, deliver his duplicates to the Levy Court Commissioners, and shall be liable on his official bond for all unpaid taxes thereof; and the said Levy Court Commissioners shall cause suit to be instituted against him and his sureties for the collection of such unpaid taxes.

The adjustment and settlement of the accounts of the Receiver of Taxes and County Treasurer of New Castle County by the Levy Court shall be final; the Court, if deemed expedient, may require other accounts from the Receiver of Taxes and County Treasurer.

1183. Sec. 39. It shall be the duty of the Receiver of Taxes and County Treasurer, at the request of any person paying a tax upon his person or property, to make out and deliver to him a bill showing, in addition to the amount of tax, how much is laid upon his real estate, and if it is laid upon more than one parcel of real

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estate, and if it is laid upon each parcel, describing each parcel according to the description thereof appearing upon the assessment list.

Section 2. That Chapter 45 of the Revised Code of Delaware, 1915, as amended, be and the same is hereby further amended, by striking out and repealing all of 1246. Sec. 102; 1247. Sec. 103; 1248. Sec. 104; 1249. Sec. 105; 1250. Sec. 106; 1251. Sec. 107; 1252. Sec. 108; 1254. Sec. 110; and 1256. Sec. 112.

Section 3. That the Receiver of Taxes and County Treasurer for New Castle County shall perform and be chargeable with all and every the duties now imposed by law upon the Collectors of Taxes for said County, not expressly enumerated or set forth herein, and shall have all the powers, rights, and authorities now conferred by law upon said Collectors of Taxes for New Castle County except as provided otherwise herein.

Section 4. That the Receiver of Taxes and County Treasurer of New Castle County, now in office, in addition to the bond heretofore given by him to the State of Delaware, before entering upon the duties of his office on the first Tuesday in January, 1935, shall give an additional bond to the State of Delaware with one or more sureties to be approved by the Associate Judge of the Superior Court of the State of Delaware, resident in New Castle County, in the sum of Twenty-five Thousand Dollars (\$25,000.00), conditioned for the faithful performance of the duties of the said office, as prescribed in Section 77 of this Chapter. On and after the First Tuesday in January, 1939, the amount of the bond required of the Receiver of Taxes and County Treasurer of New Castle County shall be One Hundred Thousand Dollars (\$100,000.00).

Section 5. That nothing in this Act contained shall in any manner whatsoever be taken or construed to affect any outstanding bond or bonds of the Receiver of Taxes and County Treasurer of New Castle County, or any outstanding bond or bonds of any Collector of Taxes of any Hundred within New Castle County; and nothing in this Act contained shall in any manner whatsoever be

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taken or construed to relieve any Tax Collector of any Hundred or Tax District from any duty or liability to account for and pay over to the Receiver of Taxes and County Treasurer any moneys chargeable to such Collector under any law or act which may be amended or repealed by this Act; and any taxes due and outstanding at the time of the approval of this Act and payable to any Collector of Taxes under existing law shall not be affected by this act.

Section 6. That all acts or parts of acts inconsistent with this Act, or any part or parts of this Act, be and the same are hereby repealed to the extent of, and only to the extent of, any such inconsistency or inconsistencies.

Section 7. That this Act shall not take effect until June first, one thousand nine hundred and thirty-seven.

Approved April 8, 1935.

CHAPTER 136

DEPUTY CLERK OF THE PEACE, SUSSEX COUNTY

AN ACT PROVIDING FOR THE APPOINTMENT OF A DEPUTY
CLERK OF PEACE FOR SUSSEX COUNTY.

*Be it enacted by the Senate and House of Representatives of
the State of Delaware in General Assembly met:*

Section 1. On and after the approval of this Act the Clerk of Peace of Sussex County is hereby authorized and empowered to appoint and select one deputy to be known as Deputy Clerk of Peace at a salary of One Thousand Dollars (\$1000.00) per year.

Section 2. The salary of said Deputy Clerk of Peace shall be paid by the Levy Court of Sussex County in equal monthly installments.

Approved April 18, 1935.

CHAPTER 137

DEPUTY CORONER, NEW CASTLE COUNTY

AN ACT TO AMEND 1367, SECTION 22 OF CHAPTER 49 OF THE REVISED CODE OF THE STATE OF DELAWARE, RELATING TO DEPUTY CORONER FOR NEW CASTLE COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That 1367, Section 22, Chapter 49 of the Revised Code of the State of Delaware be and the same is hereby amended by repealing all of said Section and substituting in lieu thereof the following to be styled 1367, Section 22.

1367. Section 22. Deputy Coroner for New Castle County; Oath; Bond:—The Coroner of New Castle County may appoint two Deputies, who shall have power to hold inquests, administer oaths, where the Coroner is authorized to administer oaths; and to perform such other duties of the office of said Coroner as the said Coroner may in writing direct.

Said Deputy Coroners so appointed before entering upon the duties of their office shall take and subscribe the oath prescribed by the Constitution, and shall give satisfactory bonds to the said Coroner in the penal sum of three thousand dollars.

Approved March 22, 1935.

CHAPTER 138

CONSTABLE—GEORGETOWN

AN ACT TO PROVIDE FOR AN ADDITIONAL CONSTABLE IN
GEORGETOWN HUNDRED, SUSSEX COUNTY, DELAWARE.

*Be it enacted by the Senate and House of Representatives of
the State of Delaware in General Assembly met:*

Section 1. That the Governor be, and he is hereby, authorized to appoint an additional Constable in Sussex County, Delaware, who shall be appointed for Georgetown Hundred, in said County, for the term of four years beginning on the first Tuesday in March, A. D. 1935, and every four years thereafter. Said Constable, when appointed, shall have the same power and authority as Constable appointed by the Levy Court of Sussex County.

Section 2. Any person who shall be appointed Constable under this Act shall, within thirty days after his appointment give bond with sufficient surety in the sum of One Thousand Dollars, which bond the Levy Court of said Sussex County shall take, approve, certify and deliver for record in like manner as is now provided by law in cases of other Constables.

Approved April 18, 1935.

CHAPTER 139

SALARIES OF COUNTY OFFICERS

AN ACT TO AMEND CHAPTER 53 OF THE REVISED CODE OF DELAWARE, 1915, AS AMENDED, RELATING TO SALARIES OF CERTAIN COUNTY OFFICERS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 53 of the Revised Code of Delaware, 1915, as amended, be and the same is hereby further amended by repealing 1438. Sec. 6 thereof, and by inserting in lieu thereof the following new section:

1438. Sec. 6. Compensation of Officers:—The Clerk of the Peace, Sheriff, Coroner, Prothonotary, Recorder, Register of Wills, Register in Chancery and Clerk of the Orphans' Court, in each of the Counties, shall be paid, in lieu of all fees, costs, allowances, perquisites and other compensation of every kind for performing every and all the services, acts and duties of their respective offices, the following annual salaries payable in equal monthly installments by warrants drawn by the Levy Court on the County Treasurer of their respective Counties, namely: In New Castle County the Clerk of the Peace shall receive four thousand dollars; the Sheriff, three thousand and six hundred dollars; the Coroner, fifteen hundred dollars; the Prothonotary, three thousand and six hundred dollars; the Recorder, three thousand and six hundred dollars; the Register of Wills, three thousand and six hundred dollars; the Register in Chancery, one thousand and five hundred dollars; and the Clerk of the Orphans' Court, one thousand and five hundred dollars.

In Kent County, the Clerk of the Peace shall receive Two Thousand Dollars; the Sheriff, Two Thousand Dollars; the Coroner, One Thousand Dollars; the Prothonotary, Two Thousand Dollars; the Recorder, Two Thousand Dollars; the Register of Wills, Two Thousand Dollars; the Register of Chancery, One Thousand Dollars; the Clerk of the Orphans' Court, One Thousand Dollars; and the County Comptroller, Two Thousand Dollars.

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In Sussex County, the Clerk of the Peace shall receive one thousand and eight hundred dollars; the Sheriff, two thousand dollars; the Coroner, one thousand dollars; the Prothonotary, one thousand and five hundred dollars; the Recorder, one thousand and five hundred dollars; the Register of Wills, one thousand and five hundred dollars; the Register in Chancery, seven hundred and fifty dollars; and the Clerk of the Orphans' Court, seven hundred and fifty dollars.

Section 2. That Chapter 53 of the Revised Code of Delaware, 1915, as amended, be and the same is hereby further amended by repealing all of the paragraphs of 1439. Sec. 7 thereof, as found in Chapter 79 of Volume 35, Laws of Delaware, being all of the said Chapter 79 of the said Volume 35, and by inserting in lieu thereof the following:

1439. Sec. 7. Deputies; Appointment; Salaries:—The officers mentioned in the first section of this Chapter may select and employ Deputies and Clerks to assist them in the performance of the duties of their offices respectively, at the following annual salaries, namely:

In New Castle County, the Clerk of the Peace may select and employ one Chief Deputy at an annual salary of Twenty-one Hundred Dollars (\$2100.00), and four Clerks, each at an annual salary of Eighteen Hundred Dollars (\$1800.00); the Sheriff, one Chief Deputy at an annual salary of Twenty-one Hundred Dollars (\$2100.00), and five other Deputies, each at an annual salary of Eighteen Hundred Dollars (\$1800.00); the Prothonotary, one Chief Deputy at an annual salary of Twenty-one Hundred Dollars (\$2100.00), and four Clerks, each at an annual salary of Eighteen Hundred Dollars (\$1800.00); the Recorder, one Chief Deputy, and two other Deputies or Index Clerks, each at an annual salary of Twenty-one Hundred Dollars (\$2100.00), and eight clerks, each at an annual salary of Eighteen Hundred Dollars (\$1800.00); the Register of Wills, one Chief Deputy at an annual salary of Twenty-one Hundred Dollars (\$2100.00), and four Clerks, each at an annual salary of Eighteen Hundred Dollars (\$1800.00); the Register

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in Chancery and Clerk of the Orphans Court, one Chief Deputy, at a salary of Twenty-one Hundred Dollars (\$2100.00), and four Clerks, each at an annual salary of Eighteen Hundred Dollars (\$1800.00); the Coroner, one Chief Deputy, at an annual salary of Five Hundred Dollars (\$500.00).

Provided, however, that the Resident Associate Judge of New Castle County, from time to time, may authorize and direct, by resolution duly adopted, that any, either or all of the said officers may select and employ such other clerks and at such times and in such numbers, as the said Resident Associate Judge of New Castle County shall deem proper to properly perform the public work required in any office or offices of any, either or all of the said officers.

And provided, further, that any additional Clerks so authorized or employed shall receive like compensation as fixed by law for the other Clerks performing like or similar services, and payable in the manner fixed by law.

The Chief Deputy selected and employed by each of the aforesaid officers shall be possessed of all the authority of their respective offices, and in the absence or disability of the duly elected officer, the Chief Deputy of such office shall perform all the duties of the office, until the vacancy so created shall be filled as required by the Constitution of the State of Delaware.

Section 3. That Chapter 97 of Volume 34, Laws of Delaware, and Chapter 107 of Volume 37, Laws of Delaware, the provisions of which are fully provided for in this Act, be and the same are hereby repealed.

Section 4. That Chapter 87 of Volume 29, Laws of Delaware, be and the same is hereby repealed.

Section 5. That all acts and parts of acts inconsistent with any of the provisions of this Act be and the same are hereby repealed to the extent of, and only to the extent of, any such inconsistency or inconsistencies.

Approved April 18, 1935.

Title Eight

Elections

CHAPTER 140

REGISTRATION OF VOTERS

AN ACT TO AMEND CERTAIN SECTIONS OF CHAPTER 56 OF THE REVISED CODE OF THE STATE OF DELAWARE AS AMENDED ENTITLED "REGISTRATION OF VOTERS," RELATING TO REGISTRATION AND DELIVERY OF REGISTRATION BOOKS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That paragraph 10, Section 1 of Chapter 56 of the Revised Code of the State of Delaware be and the same is hereby repealed.

Section 2. That paragraph 8, 1621, Section 3, Chapter 56 of the Revised Code of the State of Delaware as amended be repealed and that a new paragraph be inserted in lieu thereof as follows:

The said books shall contain at least seven parallel columns for entries of the word "Voted." The person making the said entry shall mark the date of such entry at the head of the column.

Section 3. That 1622 Section 4 of Chapter 56 of the Revised Code of the State of Delaware as amended be further amended by striking out all of said 1622 Section 4 and inserting in lieu thereof the following new Section to be known as 1622 Section 4.

1622. Section 4. Delivery of Books by Governor; When; to Whom; by Sheriff; When; To Whom; By Department of Elections for Wilmington; When; To Whom:—

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The sheriff of each County shall, sometime previous to the first Saturday in July in every year in which a general registration is held, deliver to each Registrar of each election district in his County, two of the books known as "Registers" and two of the books known as "Books of Registered Voters"; provided however, that the Sheriff of New Castle County shall not deliver said books for the several election districts in the City of Wilmington.

The Department of Elections for the City of Wilmington shall within one week before the first day of registration of voters in every year in which a general registration is held, deliver to the Registrar of each election district in the City of Wilmington, two books known as "Register" and two of the books known as "Book of Registered Voters," all of which said books addressed to the Registrar of each election district of the County, the Governor shall cause to be delivered to the Sheriff in each of the Counties of this State and to the Department of Elections for the City of Wilmington respectively, at least five days before the first day of July in every year in which a general registration is held.

Section 4. That 1625, Section 7, Chapter 56 of the Revised Code of the State of Delaware as amended be and the same is hereby further amended by striking out paragraphs two and three of the said 1625, Section 7 and inserting in lieu thereof the following new paragraphs:

In those years in which a supplementary registration is had, as provided for in section 6 of this Chapter it shall be the duty of the Registrar and two Assistant Registrars appointed in each election district in this State to register the names of all qualified voters in each such election district, whose names do not appear as qualified voters on the registers of the next previous general registration, and to that end they shall sit for the purpose of ascertaining and registering the persons who are qualified to enjoy the right of an elector and who shall apply in person for registration, and whose names do not already appear as qualified voters on the Registers of the next previous general registration, at such public and suitable places in their respective election districts as will, in their judgment, be

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the most convenient for the voters thereof, from eight o'clock A. M. until seven o'clock P. M., with an intermission from twelve to one o'clock, on the third Saturday in July, on the second Thursday in August and on the third Saturday next preceding the day of the election.

Outside of the City of Wilmington each of said Registrars, at least ten days before the first sitting for the purpose of registration, shall give public notice, by advertisement, posted in ten or more of the most public places in his election district, of the places where the registration officers shall sit for the registration of voters as aforesaid and the day or days when they will sit at each of said places. In the City of Wilmington the Department of Elections for the City of Wilmington, shall at least ten days prior to the first day set for the purpose of registration as aforesaid, give public notice by advertisement, posted in ten or more of the most public places in each election district, in the said City, of the places where the registration officers shall sit for registration of voters as aforesaid and the day or days when they will sit at each of said places.

Section 5. That 1627, Section 9 of Chapter 56 of the Revised Code of the State of Delaware as amended be and the same is hereby further amended by repealing all of said 1627, Section 9 marked "First" and all of that paragraph marked "Fourth" of the said 1627, Section 9. and substituting in lieu thereof the following new paragraphs to be designated as "First" and "Fourth" respectively.

First. At every general registration they shall record, in ink in the Registers in the column headed, "Name", the name of every person who shall personally appear before them and apply to be registered and at every supplementary registration they shall record, in ink, in the Registers in the column headed, "Name", the name of every person who shall personally appear before them and apply to be registered and whose name does not already appear as a registered voter in the Register of the next previous general registration, writing first the surname in full, then the Christian name in full and then the initial or initials of the middle name or names. The names of said applicants for registration shall be written on

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the Books of Registered Voters in the alphabetical order of their surname, that is, all applicants whose surname begins with the letter "A" shall be grouped together, all those whose surname begins with the letter "B" shall be grouped together and so on, as to the first letter of each surname. No name of any other letter group shall be written on any page containing a name or names of any other letter group.

Fourth. It shall be the duty of the Registration Officers of each and every election district in this State, upon the close of each day's registration, to write in the line on the Registers, immediately below the last person registered on said day, the words "end of the.....day's registration and the date", and immediately under each said entry, the said registration officers shall sign their respective names with the proper designation of their office.

Section 6. That 1632, Section 14 of the Chapter 56 of the Revised Code of the State of Delaware as amended be and the same is hereby further amended by adding at the end of the second paragraph the following:

Change of address or residence within the same election district shall not disqualify any person as a voter in such election district.

Approved March 11, 1935.

CHAPTER 141

DEPARTMENT OF ELECTIONS—CITY OF WILMINGTON

AN ACT TO AMEND CERTAIN SECTIONS OF CHAPTER 57 OF THE REVISED CODE OF THE STATE OF DELAWARE, RELATING TO THE DEPARTMENT OF ELECTIONS FOR THE CITY OF WILMINGTON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That 1659. Section 2, Chapter 57 of the Revised Code of the State of Delaware be and the same is hereby repealed and a new Section substituted in lieu thereof as follows:

1659. Section 2. Appointment; Qualifications; Terms of Office; Not to Hold or Be Candidates for Office; Vacancies; Of Different Political Faith; Oath; Organization; Officers; Quorum; Rules; Compensation; When and How Paid:—Commencing with the month of August in the years 1909, 1911 and 1913, and on or before the tenth day thereof, and with the month of April in the years 1909 and 1913, and before the first day thereof, and every sixth year thereafter, the Governor shall appoint one member of said Department of Elections for the City of Wilmington, for a term of six years. No person shall be eligible to appointment as a member of said Department of Elections who is not a citizen of the United States of America and resident in the said City for which he is appointed and who has not resided therein for a term of five years next preceding his appointment. No member of said Department shall hold or be a candidate for any elective office during his membership in said Department, nor until the expiration of six months after he shall have ceased to be a member of said Department. When any vacancy occurs in said Department from any cause whatsoever the Governor aforesaid shall fill the unexpired term by appointment, but at no time shall all the members of said Department be of the same political faith and opinion. Each of said members shall, before entering upon his duties and within one month of the time of his appointment, take and subscribe and file in the office of the Clerk of the Peace of New Castle County the

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oath or affirmation prescribed by the Constitution. Commencing on the first Tuesday of April, 1913, and biennially thereafter, the members of the said Department of Elections shall meet and organize said Department by electing one of their number to be President of the Department; and they shall also elect a Secretary. The term of office shall be two years from the date of such organization. Three members shall be sufficient for the purpose of organization and shall constitute a quorum for the transaction of business. The said Department shall have power to make rules for its government not inconsistent with the Constitution and Laws of the State.

Each member of said Department of Elections shall receive as compensation for his services a salary of five hundred dollars per annum; the salary of the Secretary shall be fixed by the Department and shall not exceed three thousand dollars per annum. The salary of the members of the Department of Elections and the Secretary thereof shall be paid by the Levy Court of New Castle County in the same manner as County officers are paid; provided however, in every year in which a Municipal Election is held in the City of Wilmington, the salary of the members and the Secretary, shall be paid in the same manner as by law provided for the payment of other expenses of the said City of Wilmington.

Section 2. That 1663. Section 6, Chapter 57 of the Revised Code of the State of Delaware as amended be and the same is hereby further amended by striking out the first paragraph of said Section and inserting in lieu thereof the following:

1663. Section 6. Division of City Into Election Districts; Number of Voters in District; Designation of Districts; Each Election District Within One Representative District; Registration of Voters in New Districts:—The Department of Elections shall, on or before the first day of June, in every year in which a general registration is held, divide the City into as many election districts as they may deem necessary and shall establish the boundaries thereof. Each election district shall contain as near as may be, not more than five hundred voters, nor less than one hundred voters. Each

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of said election districts shall be entirely within one representative district.

On or before the first day of June commencing with the year nineteen hundred and thirty-six and biennially thereafter, the said Department of Elections may divide such election districts, and such only as, by the election last preceding such division, shall be found to contain a greater number of voters than can conveniently vote therein. They shall also designate each election district by appropriate titles or distinctions.

Section 3. That 1664. Section 7, Chapter 57 of the Revised Code of the State of Delaware be and the same is hereby repealed and a new Section substituted in lieu thereof as follows:

1664. Section 7. In addition to a Secretary as provided in this Chapter, the said Department of Election may engage such other assistance as they shall deem necessary and shall prescribe their duties and fix their compensation; the expense of any and all assistance provided by authority of this Section shall not exceed two thousand five hundred dollars in any year; the expense of such assistance shall be paid by the Levy Court of New Castle County; provided however, that in any year in which a municipal election is held in the City of Wilmington, such expense shall be paid in the same manner as by law provided for the payment of other expenses of the said City of Wilmington.

Section 4. That 1674. Section 17, Chapter 57 of the Revised Code of the State of Delaware be and the same is hereby repealed and a new section substituted in lieu thereof as follows:

1674. Section 17. Record of Deaths; Made and Supplied to Registrars; Duty of Registrars in Relation Thereto:—Beginning with the year 1936 and every year thereafter, it shall be the duty of the Registrar of Vital Statistics for the City of Wilmington, to furnish to the Department of Elections, on or before the tenth day of January, April, July and October, a full, complete and accurate copy of the record of the name, residence and age of each person

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twenty-one years of age and upward, who has died in the City of Wilmington during the three calendar months then next preceding as the facts in respect to such deaths, shall be furnished to the said Registrar of Vital Statistics.

The Department of Elections shall keep, preserve and file all such copies of such records.

It shall be the duty of the Department of Elections in each year in which an election is held, to cause to be made and delivered to the registration officers in each and every election district in the City of Wilmington, on or before the first day of registration in that year a record of all persons twenty-one years of age and upward who in the district in which the said registration officers are to serve, have died since the last day of registration. Such Record shall be known and designated as the Records of Deaths. It shall be the duty of the registration officers in each election district, upon the receipt of such record, to securely attach the same to the inside cover of the Register in his custody, to the end that it may be preserved; and each Registrar shall examine the Registers in his custody as to the name of every person upon said Registers who, by said Record of Deaths shall be a coincidence in respect to said name and facts appear to have deceased, and opposite to and against every such name to enter in the column headed "Disqualified" the word "Dead" and the month, day and year of such entry and in the column headed "Remarks" the words "Stricken from the Registers" adding against each such entry made in the Column of Remarks the initial letters of the name of the Registrar making such entry; and through the name of every such person stricken from the registers, and then only, shall draw a line indicative that such name is stricken from the registers of that election district.

Section 5. That if any of the provisions of this act should be found to be in conflict with any other law, or any other Act or Acts or part or parts of any other Act or Acts, not specifically repealed by this Act, in any and all such cases the provisions of this Act shall always be deemed and taken to be the law.

Approved March 11, 1935.

CHAPTER 142

PRIMARY ELECTIONS

AN ACT TO AMEND CERTAIN SECTIONS OF CHAPTER 58 OF THE REVISED CODE OF THE STATE OF DELAWARE ENTITLED "PRIMARY ELECTIONS", RELATING TO REGISTRATION AND DELIVERY OF PRIMARY ELECTION BOOKS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That 1686. Sec. 9, Chapter 58 of the Revised Code of the State of Delaware be and the same is hereby repealed.

Section 2. That 1687. Sec. 10, Chapter 58 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out the third paragraph of said section and inserting in lieu thereof the following:

The Voting Books of Qualified Voters for Primary Elections used in making up a general registration as provided in Chapter 56, shall be used in making subsequent registration until the next succeeding general registration; or until they shall become so filled with entries that they can no longer be conveniently used for such purpose; or until replaced by Supplementary or Duplicate Books as hereinafter in this Chapter provided.

Section 3. That 1687. Sec. 10, Chapter 58 of the Revised Code of the State of Delaware, as amended, be and the same is hereby further amended by striking out the fifth paragraph of said section and inserting in lieu thereof the following:

Said books shall contain twelve parallel columns for the entry of the word "voted" together with the date of voting.

Section 4. That 1687. Sec. 10, Chapter 58 of the Revised Code of the State of Delaware, as amended, be and the same is hereby further amended by striking out the words "of the year 1926" where they appear in the seventh paragraph of said section.

Section 5. That 1687. Sec. 10, Chapter 58 of the Revised

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Code of the State of Delaware, as amended, be and the same is hereby further amended by striking out paragraph 9 of said Section and inserting in lieu thereof the following:

They shall enter in said books, in its proper alphabetical order, the name of every person whose name appears as a registered voter in the Registers and Voting Books of Registered Voters of said election district, and also his residence and date of registration, so that the said Voting Books of Qualified Voters for Primary Elections of said election district shall contain the names of all the qualified voters of said election district who were registered during each and all of the five general registration days and also during any supplementary registration up to and including the last registration day in the month of April of the year in which a Municipal Election is held in said City and in which year said books are made up. They shall, within three days after the said registration day on the third Saturday in April aforesaid, complete the making up of said books and shall compare the same with the Registers and Books of Registered Voters of said election district, and shall append to each of said books a certificate, verified by oath or affirmation, that they contain an accurate alphabetical list of the names of all persons whose names appear as registered voters in the Registers and Books of Registered Voters of said election district.

Section 6. That 1689. Sec. 12, Chapter 58 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out all of the first paragraph of said Section and inserting in lieu thereof the following:

1689. Sec. 12. Department of Election May Compare and Correct Books; When; Disposition of Books:—The Department of Elections may compare and correct said two "Voting Books of Qualified Voters for Primary Elections" at any time before the day the first primary election is held in the year of a general election, and, when it shall appear by any data in their possession that any person has registered in more than one election district, they shall, upon due inquiry, strike the name from the said "Voting Books of Qualified Voters for Primary Elections" of any and all

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election districts in which he or she is not a "qualified voter", and shall, opposite such name, state the reason therefor. Said two "Books of Qualified Voters for Primary Elections", in each election district of the City of Wilmington shall be preserved and delivered by said Department of Elections as hereinafter prescribed and directed.

Section 7. That 1692. Sec. 15, Chapter 58 of the Revised Code of the State of Delaware, as amended, be and the same is hereby further amended by striking out all of said section and inserting in lieu thereof the following:

1692. Sec. 15. Time for Holding Primary Elections; Revision of Registration in Wilmington; Date of; Duty of Election Department in Relation to Primary Election Books; Who May Vote at; Time for Opening and Closing Polls:—The time for holding any primary election, except primary elections to nominate candidates for Municipal elections, shall be after the last registration day in the month of August in the year in which such primary election is held, and the time for holding primary elections in the City of Wilmington to nominate candidates to be voted for at a Municipal election shall be in the month of May.

The two "Voting Books of Qualified Voters for Primary Elections", as provided in this Chapter, for each election district in the City of Wilmington, shall be used for registration purposes in accordance with the provisions of 1687. Sec. 10, of Chapter 58 of the Revised Code of the State of Delaware, as amended, and all persons, and only they, whose names appear on the said "Voting Books of Qualified Voters for Primary Elections", after the same have been added to as provided in said 1687. Sec. 10 of Chapter 58 of the Revised Code of the State of Delaware, as amended as aforesaid, shall be entitled to vote at a primary election to nominate candidates to be voted for at the subsequent Municipal election in the City of Wilmington, the two "Registers" and the two "Books of Registered Voters" for each election district in the City of Wilmington, shall be used for registration purposes in accordance with the provisions of 1656. Sec. 38 of Chapter 56, as amended, of the

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Revised Code, and all persons, and only they, whose names appear on the said Registration books, after the same has been added to, revised and corrected, as provided in 1656. Sec. 38, of Chapter 56, as amended, of the Revised Code, shall be entitled to vote at a primary election to nominate candidates to be voted for at the subsequent Municipal Election in the City of Wilmington.

The time for opening the polls for the purpose of conducting a primary election under the provisions of this Chapter shall be one o'clock in the afternoon, and the time for closing the polls at such primary election shall be seven o'clock in the evening.

Section 8. That 1694. Sec. 17, Chapter 58 of the Revised Code of the State of Delaware, as amended, be and the same is hereby further amended by striking out the said Section and inserting in lieu thereof the following:

1694. Sec. 17. Electors; Qualifications; Votes Received; How; May Vote at But One Primary Election; Return of Books by Inspectors; Neglect; Misdemeanor; Penalty:—The qualification of electors under this Chapter shall be such as the political party, organization or association authorizing such election may prescribe and publish, and in default of any prescribed or published rules, the past usages of such political party or organization shall be recognized and adopted, and ignorance of such past usages shall be no defense against any of the penalties of this Chapter. As each person shall apply to vote at any primary election, the officers thereof shall examine the "Voting Books of Qualified Voters for Primary Elections" provided by this Chapter, and if they find thereon the name of the person applying to vote and be satisfied that he is the person whose name is so registered, they shall enter the word "Voted" after his name and such voter shall not be permitted to vote at any succeeding primary election held for that particular election, by any other political party, organization or association. The entry of the word "voted" as aforesaid shall be in such a manner as to indicate at what primary election the voter has voted. No person whose name is not contained in the "Voting Book of Qualified Voters for Primary Elections" shall be allowed to vote

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or participate in any primary election. It shall be the duty of the Inspector, within two days after the day of the primary election, to return the said "Voting Books of Qualified Voters for Primary Elections" used by him at any primary election, to the Sheriff or the Department of Elections for the City of Wilmington from whom he received the same, who shall preserve them; and within forty days after they have been so returned, the Sheriff shall deliver the said Books to the Clerk of the Peace of the County. And the Clerk of the Peace of each County shall, at least ten days before the first day of registration of voters in any year, return to the Sheriff of his County the said "Voting Books of Qualified Voters for Primary Elections" so received by him as aforesaid. If any Inspector shall neglect, refuse or fail to return said "Voting Books of Qualified Voters for Primary Elections" as directed in this Section, the said Inspector so neglecting, failing or refusing, shall, upon conviction therefore, be adjudged guilty of a misdemeanor and shall for every such offense be punished by fine or by imprisonment, or both, at the discretion of the Court.

Approved March 11, 1935.

CHAPTER 143

GENERAL ELECTIONS

AN ACT TO REPEAL 1769, SECTION 49, CHAPTER 60 OF THE REVISED CODE OF THE STATE OF DELAWARE ENTITLED "GENERAL ELECTIONS" AND TO SUBSTITUTE IN LIEU THEREOF A NEW SECTION PROVIDING FOR MARKING BALLOTS AND RULES FOR COUNTING BALLOTS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That 1769, Section 49, Chapter 60 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out the said Section and inserting in lieu thereof the following:

1769. Section 49. Ballots; How Marked; Rules for Counting:—Any voter or elector at any election in this State shall indicate his choice of candidates by marking his official ballot with a black or indelible lead pencil or black crayon in the following manner:

When any elector desires to vote a straight ticket, that is to vote for all candidates of a party appearing in the party column on the ballot, he shall place a cross mark of "X" within the space containing the emblem of such Party. In the event that any elector does not desire to vote for all the candidates whose names appear in any one party column, he shall place a cross mark or "X" in the square at the left of the name of the candidate for whom he desires to vote and he may also scratch out the name of the candidate for whom he does not desire to vote, or he may do either.

All ballots cast at any election shall be counted for the persons for whom they were intended, so far as such intention can be ascertained therefrom, and in determining the intention the following rules shall be observed.

First: If the elector shall place on his ballot a cross mark or "X" within the space containing a party emblem, he shall be deemed

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to have voted for all the candidates whose names appear in the column under such mark, unless some name or names shall be erased, or unless in some other column he shall have placed a mark in the square at the left of the name of some other candidate for the same office.

Second. When the voter shall place a mark against two or more names for the same office, he shall be deemed to have voted for none of them, and the ballot shall not be counted for either candidate, but shall be counted for such other candidates as it is the evident intention of the voter to vote for.

Third. If any name be written on any ballot the ballot shall be void and not counted.

Fourth. When the elector shall have made a mark in the square at the left of the name of a person in the proper place, he shall be deemed to have voted for that person, although he shall have omitted to erase or scratch out the name printed in any other column for the same office.

Fifth. A ballot put in without any marks shall not be counted, and a ballot not marked at the top shall be counted only for the persons for whom the marks thereon are applicable.

Approved March 11, 1935.

CHAPTER 144

GENERAL ELECTIONS

AN ACT TO AMEND CHAPTER 60 OF THE REVISED CODE OF THE STATE OF DELAWARE RELATING TO GENERAL ELECTIONS.

Be it enacted by the Senate and the House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 60 of the Revised Code of the State of Delaware, as amended be and the same is hereby further amended by adding after 1721, Section 1, the following new paragraph which shall be styled as 1721 A, Section 1A.

"No political party shall be recognized and given a place on the ballot which advocates the overthrow by force or violence, or which advocates or carries on a program of sedition or of treason by radio, speech or press, of our local, state or national government. No newly organized political party shall be permitted on the ballot until it has filed an affidavit by its officers, under oath, that it does not advocate the overthrow of local, state or national government by force or violence, and that it is not affiliated in any way with any political party or organization, or sub-divisions of organizations, which does advocate such a policy by radio, speech or press."

Approved March 13, 1935.

CHAPTER 145

GENERAL ELECTIONS

AN ACT TO AMEND CHAPTER 60 OF THE REVISED CODE OF THE STATE OF DELAWARE RELATING TO THE SECOND ELECTION DISTRICT OF THE TENTH REPRESENTATIVE DISTRICT IN KENT COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 60 of the Revised Code of the State of Delaware be and the same is hereby amended by repealing paragraphs K.19, 1737 Section 17 thereof, and inserting in lieu thereof the following new paragraphs:

K.19. The Second Election District of the Tenth Representative District is all that portion of Milford Hundred, bounded by a line beginning at the bridge across Murderkill River near Frederica where the old State Road crossed said Murderkill River; thence Southerly along the center line of said State Road through the town of Milford to the bridge across Mispillion River at the Boundary line between the Counties of Kent and Sussex; thence Westerly by said boundary line to a point on the Northerly side of Grier's Millpond where a stream of water empties into said pond; thence along said stream in a Northerly direction to the center of the Cullentown and Farmington public road; thence in an Easterly direction along the center of said public road to a point in the center of the public road leading from the Cullentown-Farmington road to the Milford-Harrington State Highway; thence in a Northerly direction along the center of said road to the center of the State Highway leading from Milford to Harrington; thence in an Easterly direction along the center line of said State Highway to a point in the center of the public road leading from the State Highway past Coursey's Mill to Felton; thence along said center line of said public road to the boundary line between South Murderkill and Milford Hundred; thence Northerly along the boundary line between South Murderkill and Milford Hundred to the center line of the State Road and the said bridge across Murderkill River, the point beginning.

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All persons entitled to vote in said Election District shall vote at the Masonic Building in the town of Milford, or at such place as shall be procured by the Inspector or other officer holding the election in said District.

Section 2. That Chapter 60 of the Revised Code of the State of Delaware be and the same is hereby amended by adding thereto a new Section to be known as K.20.

K.20. The Third Election District of the Tenth Representative District is all that portion of Milford Hundred, bounded by a line beginning at a point on the Northerly side of Grier's Millpond where a stream of water empties into said Millpond; thence along said stream in a Northerly direction to the center of the Cullentown and Farmington public road; thence in an Easterly direction along the center of said public road to a point in the center of the public road leading from the Cullentown-Farmington road to the Milford-Harrington State Highway; thence in a Northerly direction along the center of said road to the center of the State Highway leading from Milford to Harrington thence in an Easterly direction along the center line of said State Highway to a point in the center of the public road leading from said State Highway past Coursey's Mill to Felton; thence along said center line of said public road to the boundary line between South Murderkill and Milford Hundred, thence Southwesterly along the boundary line between South Murderkill and Milford Hundred to the boundary line between Milford and Mispillion Hundred; thence Southerly by said boundary line to the boundary line between Kent and Sussex Counties; thence Easterly along said boundary line between Kent and Sussex County to the place beginning.

All persons entitled to vote in said election District shall vote at the office of Harvey J. Marvel in the town of Houston, or at such place as shall be procured by the Inspector or other officer holding the election in said District.

Section 3. That the person elected at the General Election held in the year 1932 as Inspector in the Second Election District

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of the Tenth Representative District in Kent County shall act as Inspector of said Election District as designated in Section 1 of this Act, and a person shall be appointed by the Governor to act as Inspector of the Third Election District of the said Tenth Representative District as designated in Section 2 of this Act.

Approved March 25, 1935.

CHAPTER 146

GENERAL ELECTIONS

AN ACT TO AMEND CHAPTER 60 OF THE REVISED CODE OF THE STATE OF DELAWARE RELATIVE TO THE SEVENTH REPRESENTATIVE DISTRICT OF NEW CASTLE COUNTY BY CREATING A NEW ELECTION DISTRICT TO BE KNOWN AS THE TENTH ELECTION DISTRICT OF THE SEVENTH REPRESENTATIVE DISTRICT OF NEW CASTLE COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That 1737. Sec. 17, Chapter 60 of the Revised Code of the State of Delaware, as amended, be further amended by adding a new sub-section, creating a new Election District to be known as the Tenth Election District of the Seventh Representative District of New Castle County, following sub-section N. C. 8D., to be known as N. C. 9D., as follows:

N. C. 9D. The Tenth Election District of the Seventh Representative District is all that portion of Christiana Hundred contained within the following boundaries: Beginning at the Southernly end of Union Street where said Union Street meets and intersects with Capitol Trail, thence running west with the center line of Capitol Trail to the intersection of the center line of duPont Road, thence running North with center line of duPont Road to the intersection of the center line of Lancaster Avenue, thence following center of said Lancaster Avenue to the corporate limits of the City of Wilmington, thence binding with the corporate limits of the City of Wilmington to the place of beginning.

All persons entitled to vote in said Tenth Election District of the Seventh Representative District shall vote at the Civic Association Building at 31 South Cleveland Avenue.

The Governor shall appoint some qualified voter in the said Tenth Election District of the Seventh Representative District of New Castle County as herein created, to be Inspector of the said

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Election District, who shall have all the powers and perform all the duties given to and imposed upon Inspectors of Elections, and who shall serve until his successor shall have been duly elected and qualified.

Except as hereinabove provided the boundaries of the Seventh Election District of the Seventh Representative District of New Castle County shall be and remain as heretofore.

Approved April 8, 1935.

Title Nine

Corporations

CHAPTER 147

CORPORATIONS

AN ACT TO AMEND CHAPTER 65 OF THE REVISED CODE OF THE STATE OF DELAWARE RELATING TO CORPORATIONS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all members elected to each House concurring therein):

Section 1. That Section 73 of Chapter 65 of the Revised Code of the State of Delaware of 1915, as amended, being Section 1987 of said Code, be and the same is hereby amended by striking out all of said Section 73 and inserting in lieu thereof the following:

Sec. 73. Renewal, Extension and Restoration of Charter; Proceeding For:—Any corporation existing under the laws of this State, may, at any time before the expiration of the time limited for its existence and any corporation existing under the laws of this State whose charter has become inoperative by law for non-payment of taxes and any corporation existing under the laws of this State whose charter has expired by reason of failure to renew the same or whose charter has been renewed, but, through failure to comply strictly with the provisions of this Act, the validity of whose renewal has been brought into question, may at any time procure an extension, restoration, renewal or revival of its charter, together with all the rights, franchises, privileges and immunities and subject to all of its duties, debts, and liabilities which had been secured or imposed by its original charter and all amendments thereto by filing with the Secretary of State a certificate of its last acting presi-

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dent and secretary or treasurer, or other officers to be elected as hereinafter provided, duly sworn or affirmed to by such officers before any person authorized by the laws of this State to administer oaths or affirmations, which certificate shall set forth:

1. The name of the corporation, which name shall be the existing name of the corporation or the name it bore when its charter expired, except as otherwise provided in Section 2 of this Chapter.

2. The name of the city, town or place within the county in which its principal office or place of business is located in this State and the name of its resident agent and, in towns or cities of over Six Thousand (6,000) inhabitants, the street and number of its said principal office or place of business and its said resident agent.

3. Whether or not such renewal, restoration, or revival is to be perpetual and if not perpetual the time for which such renewal, restoration or revival is to continue and, in case of renewal before the expiration of the time limited for its existence, the date when such renewal is to commence which shall be prior to the date of the expiration of the old charter which it is desired to renew.

4. That the corporation desiring to be renewed or revived and so renewing or reviving its charter was duly organized under the laws of the State of Delaware.

The Certificate shall also state as the case may be, the date when the charter of the corporation would expire or such other facts as may show that the charter has become inoperative or void or that the validity of any renewal has been brought into question and that this certificate for renewal or revival is filed by authority of those who were directors or managers of the corporation at the time its charter expired or who were elected directors or managers of said corporation as hereinafter provided. A copy of said certificate, certified by the Secretary of State, shall be recorded in the office of the Recorder of Deeds in and for the county in which the original charter of said corporation was recorded and thereupon the

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said corporation shall be renewed and revived with the same force and effect as if its charter had not become inoperative and void or had not expired by limitation. Such reinstatement shall validate all contracts, acts, matters and things made, done and performed within the scope of its charter by such corporation, its officers and agents during the time when such charter was inoperative or void or after its expiration by limitation, with the same force and effect and to all intents and purposes as if said charter had at all times remained in full force and effect; and all real and personal property, rights and credits, which were of said corporation at the time its charter became inoperative or void, or expired by limitation and which were not disposed of prior to the time of such revival or renewal shall be vested in such corporation, after such revival and renewal, as fully and amply as they were held by said corporation at and before the time its charter became inoperative or void or expired by limitation and said corporation after such renewal and revival shall be as exclusively liable for all contracts, acts, matters and things made, done or performed in its name and on its behalf by its officers and agents prior to such reinstatement, as if its charter had at all times remained in full force and effect.

If since said charter became inoperative or void for non-payment of taxes or expired by limitation, any other corporation organized under the laws of the State of Delaware shall have adopted the same name as the corporation sought to be renewed or revived or shall have adopted a name so nearly similar thereto as not to distinguish it from the corporation renewed or revived under the provisions of this section, then, in such case such renewed or revived corporation shall not be renewed under the same name which it bore when its charter became inoperative or void or expired but shall adopt and be renewed under some other name which, under existing law, could be adopted by a corporation formed and organized under the provisions of this act and in such case the certificate to be filed under the provisions of this section shall set forth the name borne by the said corporation at the time its charter became inoperative or void or expired and the new name under which said corporation is to be renewed or revived.

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Any corporation seeking to renew or revive its charter under the provisions of this Act shall pay to the State of Delaware, in lieu of and in full satisfaction of all franchise taxes and penalties thereon due the State of Delaware, a sum equal to all franchise taxes and penalties thereon due at the time its charter became inoperative and void for non-payment of taxes, or expired by limitation or otherwise, and shall present to the Secretary of State, together with its certificate of renewal or revival, proof of such payment to the Tax Department of the State of Delaware.

If the last president and secretary or treasurer or the officers performing the functions of said offices or any of them of any such corporation so desiring to renew or revive its charter should be dead at the time of such renewal or should refuse or neglect to act with respect thereto as provided in the first paragraph of this section, the directors of such corporation or the survivors of them, if not less than three, may elect a successor to such officer or officers who are dead or refuse or neglect to act as aforesaid. In any case where there shall be less than three directors of said corporation living or if any of them refuse or neglect to act for the purpose of renewing or reviving the charter the stockholders of such corporation may elect as many directors as may be necessary together with the surviving directors of those who are ready and willing to act to constitute a board of three directors and such board may elect successors to the deceased or the refusing or neglectful officers hereinbefore mentioned. A meeting of the directors of the corporation or of the survivors of them or of the board as elected wholly or partly by the stockholders as provided in this section may be called by the president or any director upon ten (10) days' written notice delivered personally or mailed to the last known post office address of every other director; and a meeting of the stockholders for the purpose of electing directors as aforesaid may be called by the president or by any stockholders upon ten (10) days' written notice delivered or mailed to the last known post office address of every other stockholder. The president and secretary or treasurer or the officers performing the functions of the president and secretary or treasurer so elected may take all steps and do all things necessary and proper to be done for the renewal or revival of the existence

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of such corporation as hereinbefore provided with the same validity as if performed and done by the last president and secretary or treasurer or the officers performing the functions of said offices of such corporation. And after a renewal or revival of the existence of such corporation shall be effected the then president shall forthwith call a meeting of the stockholders of such corporation upon such notice as is required by the charter or by-laws for a regular meeting thereof and at such meeting the stockholders shall elect a full board of directors which board shall then elect such officers as are provided by law, by the charter or the by-laws to conduct and carry on the business and affairs of the corporation.

Section 2. All acts or parts of acts inconsistent with this act are hereby repealed to the extent of such inconsistency only.

This act shall become effective immediately upon its approval.

Approved April 12, 1935.

CHAPTER 148
CORPORATIONS

AN ACT TO AMEND CHAPTER 65 OF THE REVISED CODE OF
DELAWARE RELATING TO CORPORATIONS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each Branch thereof concurring therein):

Section 1. That Section 2 of said Chapter 65, being Section 1916 of said Revised Code, be, and the same is hereby, amended by striking out said Section and inserting in lieu thereof the following:

1916. Sec. 2. Powers:—Every corporation created under the provisions of this Chapter shall have power:

1. To have succession, by its corporate name, for the time stated in its Certificate of Incorporation, and when no period is limited, it shall be perpetual.

2. To sue and be sued, complain and defend in any court of law or equity.

3. To have a corporate seal, which may be altered at pleasure, and to use the same by causing it or a facsimile thereof to be impressed or affixed or reproduced or otherwise.

4. To hold, purchase and convey real and personal estate, and to mortgage or lease any such real and personal estate with its franchises; the power to hold real and personal estate, except in the case of religious corporations, shall include the power to take the same by devise or bequest.

5. To appoint such officers and agents as the business of the corporation shall require and to allow them suitable compensation.

6. To make by-laws not inconsistent with the Constitution or laws of the United States or of this State, fixing and altering the

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number of its directors for the management of its property, the regulation and government of its affairs and for the certification and transfer of its stock, with penalties for the breach thereof not exceeding twenty dollars.

7. To wind up and dissolve itself, or to be wound up and dissolved in the manner hereinafter mentioned.

8. To conduct business in this State, other States, the District of Columbia, the territories and colonies of the United States and in foreign countries, and have one or more offices out of this State, and to hold, purchase, mortgage and convey real and personal property both within and without this State.

Section 2. That Section 18 of said Chapter 65, being Section 1932 of said Code, be, and the same is hereby, amended by striking out said Section and inserting in lieu thereof the following:

1932. Sec. 18. Fiduciary Stockholders; Voting Power of; Voting Trusts:—Persons holding stock in a fiduciary capacity shall be entitled to vote the shares so held, and persons whose stock is pledged shall be entitled to vote, unless in the transfer by the pledgor on the books of the corporation he shall have expressly empowered the pledgee to vote thereon, in which case only the pledgee, or his proxy may represent said stock and vote thereon.

One or more stockholders may by agreement in writing deposit capital stock of an original issue with or transfer capital stock to any person or persons, or corporation or corporations authorized to act as trustee, for the purpose of vesting in said person or persons, corporation or corporations, who may be designated Voting Trustee or Voting Trustees, the right to vote thereon for any period of time determined by such agreement, not exceeding ten years, upon the terms and conditions stated in such agreement. Such agreement may contain any other lawful provisions not inconsistent with said purpose. After the filing of a copy of such agreement in the principal office of the corporation in the State of Delaware, which copy shall be open to the inspection of any stockholder of the corporation

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or any beneficiary of the trust under said agreement daily during business hours, certificates of stock shall be issued to the Voting Trustees to represent any stock of an original issue so deposited with them, and any certificates of stock so transferred to the Voting Trustees shall be surrendered and cancelled and new certificates therefor shall be issued to the Voting Trustees, and in the certificates so issued it shall appear that they are issued pursuant to such agreement, and in the entry of such Voting Trustees as owners of such stock in the proper books of the issuing corporation that fact shall also be noted. Said Voting Trustees may vote upon the stock so issued or transferred during the period in such agreement specified; stock standing in the names of such Voting Trustees may be voted either in person or by proxy, and in voting said stock, such Voting Trustees shall incur no responsibility as stockholder, trustee or otherwise, except for their own individual malfeasance. In any case where two or more persons are designated as Voting Trustees, and the right and method of voting any stock standing in their names at any meeting of the corporation are not fixed by the agreement appointing said Trustees, the right to vote said stock and the manner of voting the same at such meeting shall be determined by a majority of said Trustees, or if they be equally divided as to the right and manner of voting the same in any particular case, the vote of said stock in such case shall be divided equally among the Trustees.

At any time within one year prior to the time of expiration of any such voting trust agreement as originally fixed or as extended as herein provided, one or more beneficiaries of the trust under such voting trust agreement may, by agreement in writing and with the written consent of such Voting Trustees, extend the duration of such voting trust agreement for an additional period not exceeding ten years. Said Voting Trustees shall, prior to the time of expiration of any such voting trust agreement, as originally fixed or as previously extended, as the case may be, file in the principal office of the corporation in the State of Delaware a copy of such extension agreement and of their consent thereto, and thereupon the duration of such voting trust agreement shall be extended for the period fixed in such extension agreement; provided, however,

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that no such extension agreement shall affect the rights or obligations of persons not parties thereto.

Section 3. That Section 22 of said Chapter 65, being Section 1936 of said Code, be amended by striking out said Section and inserting in lieu thereof the following:

1936. Sec. 22. Failure to Pay for Stock; Remedies:—When any stockholder fails to pay any installment or call upon his stock which may have been properly assessed thereon by the directors, at the time when such payment is due, the directors may collect the amount of any such installment or call or any balance thereof remaining unpaid, from the said stockholder by an action at law, or they shall sell at public sale such part of the shares of such delinquent stockholder as will pay all assessments then due from him with interest and all incidental expenses, and shall transfer the shares so sold to the purchaser, who shall be entitled to a certificate therefor. Notice of the time and place of such sale and of the sum due on each share shall be given by advertisement for three weeks successively, once in each week before the sale, in a newspaper of the county in this State where such corporation is established, or has its principal place of business, and such notice shall be mailed by the Treasurer of the corporation to such delinquent stockholder at his last known postoffice address, at least twenty days before such sale. If no bidder can be had to pay the amount due on the stock, and if the amount is not collected by an action at law, brought within the County where such corporation is established or has its principal place of business, within one year from the date of the bringing of such action at law, the said stock shall be forfeited to the corporation and the amount previously paid in by the delinquent on the stock shall be forfeited to the corporation.

Section 4. That Section 26 of said Chapter 65, being Section 1940 of said Code, be, and the same is hereby, amended by striking out said Section and inserting in lieu thereof the following:

1940. Sec. 26. Certificate of Incorporation; How Amended; When Corporation Has Capital Stock; When Corporation Has No Capital Stock:—Any corporation of this State existing prior to the

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tenth day of March, 1899, whether created by Special Act, or general law, or any corporation created under the provisions of this Chapter, may, from time to time, when and as desired, amend its Certificate of Incorporation by addition to its corporate powers and purposes, or diminution thereof, or both; or by substitution of other powers and purposes, in whole or in part, for those prescribed by its Certificate of Incorporation; or by increasing or decreasing its authorized capital stock or reclassifying the same, by changing the number, par value, designations, preferences, or relative, participating, optional, or other special rights of the shares, or the qualifications, limitations or restrictions of such rights, or by changing shares with par value into shares without par value, or shares without par value into shares with par value either with or without increasing or decreasing the number of shares; or by changing its corporate title; or by making any other change or alteration in its Certificate of Incorporation that may be desired, and any or all such changes or alterations may be affected by one certificate of amendment; provided that every Certificate of Incorporation as so amended, changed or altered, shall contain only such provisions as it would be lawful and proper to insert in an original Certificate of Incorporation made at the time of making such amendment.

Whenever issued shares having par value are changed into the same or a greater or less number of shares without par value, whether of the same or of a different class or classes of stock, the aggregate amount of the capital of the corporation represented by such shares without par value shall be the same as the aggregate amount of capital represented by the shares so changed; and whenever issued shares without par value are changed into other shares without par value to a greater or less number, whether of the same or of a different class or classes, the amount of capital represented by the new shares in the aggregate shall be the same as the aggregate amount of capital represented by the shares so changed. The certificate of amendment of any Certificate of Incorporation effecting any change in the issued shares of the corporation shall set forth that the capital of the corporation will not be reduced under or by reason of said amendment.

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Every such amendment shall be made and effected in manner following, to-wit:

1. If the corporation has a capital stock, its board of directors shall adopt a resolution setting forth the amendment proposed, declaring its advisability, and calling a meeting of the stockholders entitled to vote in respect thereof, for the consideration of such amendment. Said meeting shall be called and held upon such notice as the certificate of incorporation or by-laws of the corporation shall provide, or, in the absence of such provision, upon notice thereof to each stockholder so entitled to vote, either delivered to such stockholder or mailed to him, at his postoffice address, if known, at least ten days before the date fixed for said meeting, said notice to set forth such amendment in full or a brief summary of the changes to be effected thereby, as the directors shall deem advisable. At said meeting a vote of the stockholders so entitled to vote, by ballot in person or by proxy, shall be taken for and against the proposed amendment, which vote shall be conducted by two Judges appointed for the purpose, either by the directors or by the said meeting. Said Judges shall decide upon the qualifications of voters, and accept their votes, and when the vote is completed, count and ascertain the number of shares voted respectively for and against the amendment, and shall declare whether the persons or bodies corporate holding the majority of the voting stock of said corporation (or of each class of stock entitled to vote thereon when such vote is to be taken by classes) have voted for or against the proposed amendment; and shall make out a certificate accordingly, stating the number of shares of stock, issued and outstanding and entitled to vote thereon, and the number of shares voted for and the number of shares voted against the amendment respectively, and shall subscribe and deliver said certificate to the Secretary of the corporation. If it shall appear by said certificate of the Judges that the persons or bodies corporate holding the majority of the stock of said corporation entitled to vote (or of each class of stock when such vote is to be taken by classes) have voted in favor of the amendment, a certificate setting forth the amendment and certifying that such amendment has been duly adopted in accordance with the provisions of this Section shall be made under the seal of the

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corporation and signed by its President or a Vice-President, and its Secretary or an Assistant Secretary and the President or such Vice-President shall acknowledge the said certificate before an officer authorized by the laws of Delaware to take acknowledgments of deeds; and the said certificate, so executed and acknowledged shall be filed in the office of the Secretary of State, and a copy thereof, certified by said Secretary of State, shall be recorded in the office of the Recorder of the County in which the original Certificate of Incorporation is recorded; or if the corporation shall have been created by special public act of the Legislature, then said certificate shall be recorded in the office of the Recorder of any County where the business of the said corporation may be conducted. And upon so filing and recording the same, the Certificate of Incorporation of said corporation shall be deemed to be amended accordingly; provided, however, that if any such proposed amendment would alter or change the preferences, special rights or powers given to any one or more classes of stock, by the Certificate of Incorporation, so as to affect such class or classes of stock adversely, or would increase or decrease the amount of the authorized stock of such class or classes of stock, or would increase or decrease the par value thereof, then the holders of the stock of each class of stock so affected by the amendment shall be entitled to vote as a class upon such amendment, whether by the terms of the Certificate of Incorporation such class be entitled to vote or not; and the affirmative vote of a majority in interest of each such class of stock so affected by the amendment shall be necessary to the adoption thereof, in addition to the affirmative vote of a majority of all other stock entitled to vote thereon; and provided, further that the amount of the authorized stock of any such class or classes of stock may be increased or decreased by the affirmative vote of the holders of a majority of the stock of the corporation entitled to vote, if so provided in the original Certificate of Incorporation or in any amendment thereto which created such class or classes of stock or in any amendment thereto which was authorized by a resolution or resolutions adopted by the affirmative vote of the holders of a majority of such class or classes of stock.

2. If the corporation has no capital stock, then the board of

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directors, managers, trustees, or the governing body thereof shall pass a resolution declaring that every such addition, change or alteration is advisable, and if at the next meeting, held not earlier than fifteen days and not later than thirty days from the meeting at which such resolution shall have been passed, two-thirds of the whole number of the said board of directors, managers, trustees, or the governing body, shall vote in favor of such amendment, addition, change or alteration, a certificate thereof shall be signed by the President and Secretary, (or by such officers as may be duly authorized to exercise the duties, respectively, ordinarily exercised by the president and secretary of a corporation), under the corporate seal, acknowledged by said President, (or by such officer as may be duly authorized to exercise the duties ordinarily exercised by a president as aforesaid) before any officer authorized by the laws of this State to take acknowledgment of deeds to be the act and deed and certificate of such corporation, and such certificate acknowledged as aforesaid, together with the assent of two-thirds of the whole number of the members of the said Board of Directors, managers, trustees, or governing body in writing, shall be filed in the office of the Secretary of State, and a copy thereof duly certified by the Secretary of State shall be recorded in the office of the Recorder of the County in which the original Certificate of Incorporation is recorded; or, if the corporation shall have been created by a special public Act of the Legislature, then said certificate shall be recorded, as above provided, in the county where said corporation has its principal place of business; and upon so filing and recording the same, the Certificate of Incorporation shall be deemed to be amended accordingly.

Section 5. That Section 39 of said Chapter 65, being Section 1953 of said Code, be, and the same is hereby, amended by striking out said Section and inserting in lieu thereof the following:

1953. Sec. 39. Dissolution; Proceedings For:—If it should be deemed advisable, in the judgment of the Board of Directors, and most for the benefit of any corporation organized under this Chapter, that it should be dissolved, the said board, within ten days after the adoption of a resolution to that effect by a majority of the whole

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board at any meeting called for that purpose, of which meeting every director shall have received at least three days' notice, shall cause notice of the adoption of such resolution to be mailed to each stockholder residing in the United States, and thereupon cause a like notice to be inserted in a newspaper published in the county wherein the corporation shall have its principal office in the State of Delaware, at least three weeks successively, once a week, next preceding the time appointed for the same, of a meeting of the stockholders having voting power, to be held at the office of the corporation, to take action upon the resolution so adopted by the Board of Directors, which meeting shall be held between the hours of ten o'clock in the forenoon and three o'clock in the afternoon of the day so named, and which meeting may, on the day so appointed, by consent of a majority in interest of the stockholders present in person or by proxy, having voting power, be adjourned from time to time, for not less than eight days at any one time, of which adjourned meeting notice by advertisement in said newspaper shall be given; and if at any such meeting two-thirds in interest of all the stockholders, having voting power, shall consent that a dissolution shall take place and signify their consent in writing, such consent, together with a list of the names and residences of the directors and officers, certified by the President and Secretary and Treasurer, shall be filed in the office of the Secretary of State, who, upon being satisfied by due proof that the requirements aforesaid have been complied with, shall issue a certificate that such consent has been filed, and the Secretary of State shall cause such certificate to be published in one issue in a newspaper published in the county wherein was situated the principal office in the State of Delaware of the dissolved corporation. The Secretary of State shall ascertain the charge for publishing the certificate of dissolution as aforesaid, and collect the amount from the corporation before the certificate of dissolution is issued; and upon the filing in the office of the Secretary of State of an affidavit of the manager or publisher of the said newspaper that said certificate has been published one time, in said newspaper, the corporation shall be dissolved.

Whenever all the stockholders, having voting power, shall consent in writing to a dissolution, no meeting of stockholders shall be

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necessary, but on filing said consent in the office of the Secretary of State, he shall, as above provided, issue a certificate of dissolution, which shall be published as above provided.

Whenever the Secretary of State issues a certificate of dissolution it shall be recorded in the office of the Recorder of the County in which the principal office of the corporation was maintained.

Whenever it shall be desired to dissolve any corporation not for profit and having no capital stock, organized under this Chapter, the board of managers or other controlling body, however named, having in charge the administration of the business or affairs of such corporation, shall exercise, assume and fulfill all of the functions, rights, privileges and duties, looking toward, involved in or concerned with the dissolution of such corporation, which are hereinabove in like cases imposed or conferred upon the Board of Directors of a corporation having capital stock in and upon its dissolution; and the members of such corporation not for profit and having no capital stock entitled by its by-laws, or by its conditions of membership or otherwise, to vote for the election of members of its board of managers or other controlling or managing body, or upon any of the affairs or concerns of such corporation, shall exercise, assume and fulfill all of the functions, rights, privileges and duties looking toward, involved in or concerned with the dissolution of such corporation, which are hereinabove, in like case, imposed or conferred upon the stockholders of a corporation having capital stock, in and upon its dissolution. In all other respects, the method and proceedings for the dissolution of a corporation not for profit or having no capital stock shall conform, so near as may be to the method and proceedings hereinabove prescribed for the dissolution of corporations having capital stock, and in the dissolution of any corporation not for profit and having no capital stock the certificate to be filed in the office of the Secretary of State may be executed by the President and Secretary and Treasurer, as required in the case of other corporations organized under this Chapter, (or by such officers as are duly authorized to exercise the duties, respectively, ordinarily exercised by a president, secretary and treasurer of a corporation).

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No corporation shall be dissolved under the provisions of this Section until all franchise taxes due to or assessable by the State have been paid by said corporation.

Section 6. That Section 59 of said Chapter 65, being Section 1973 of said Code, be amended by striking out said Section and inserting in lieu thereof the following:

1973. Sec. 59. Consolidation or Merger; Proceedings For:— Any two or more corporations organized under the provisions of this Chapter, or existing under the laws of this State, for the purpose of carrying on any kind of business, may consolidate or merge into a single corporation which may be any one of said constituent corporations or a new corporation to be formed by means of such consolidation or merger as shall be specified in the agreement hereinafter required; the directors, or a majority of them, of such corporations as desire to consolidate or merge, may enter into an agreement signed by them and under the corporate seals of the respective corporations, prescribing the terms and conditions of consolidation or merger, the mode of carrying the same into effect, and stating such other facts required or permitted by the provisions of this Chapter to be set out in Certificates of Incorporation, as can be stated in the case of a consolidation or merger, stated in such altered form as the circumstances of the case require, as well as the manner of converting the shares of each of the constituent corporations into shares of the consolidated corporation, with such other details and provisions as are deemed necessary.

Said agreement shall be submitted to the stockholders of each constituent corporation, at a meeting thereof, called separately for the purpose of taking the same into consideration; of the time, place and object of which meeting due notice shall be given by publication at least once a week for four successive weeks in one or more newspapers published in the county wherein each such corporation either has its principal office or conducts its business, and a copy of such notice shall be mailed to the last known post office address of each stockholder of each such corporation at least twenty days prior to the date of such meeting, and at said meeting said

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agreement shall be considered and a vote by ballot, in person or by proxy, taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote; and if the votes of stockholders of each such corporation representing two-thirds of the total number of shares of its capital stock shall be for the adoption of the said agreement, then that fact shall be certified on said agreement by the Secretary of each such corporation, under the seal thereof; and the agreement so adopted and certified shall be signed by the President and Secretary of each of such corporations under the corporate seals thereof and acknowledged by the President of each such corporations before any officer authorized by the laws of this State to take acknowledgments of deeds to be the respective act, deed and agreement of each of said corporations, and the agreement so certified and acknowledged shall be filed in the office of the Secretary of State, and shall thence be taken and deemed to be the agreement and act of consolidation or merger of the said corporations; and a copy of said agreement and act of consolidation or merger, duly certified by the Secretary of State under the seal of his office, shall also be recorded in the offices of the Recorders of the Counties of this State in which the respective corporations so consolidating or merging shall have their *original* Certificates of Incorporation recorded, or if any of the corporations shall have been specially created by a public Act of the Legislature, then said agreement shall be recorded in the County where such corporation shall have had its principal place of business, and such record, or a certified copy thereof, shall be evidence of the agreement and act of consolidation or merger of said corporations, and of the observance and performance of all acts and conditions necessary to have been observed and performed precedent to such consolidation or merger.

Any one or more corporations organized under the provisions of this Chapter, or existing under the laws of this State, may consolidate or merge with one or more other corporations organized under the laws of any other State or States of the United States of America, if the laws under which said other corporation or corporations are formed shall permit such consolidation or merger. The constituent corporations may merge into a single corporation,

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which may be any one of said constituent corporations, or they may consolidate to form a new corporation, which may be a corporation of the State of incorporation of any one of said constituent corporations as shall be specified in the agreement hereinafter required. All the constituent corporations shall enter into an agreement in writing which shall prescribe the terms and conditions of the consolidation or merger, the mode of carrying the same into effect, the manner of converting the shares of each of said constituent corporations into shares of the corporation resulting from or surviving such consolidation or merger and such other details and provisions as shall be deemed necessary or proper. There shall also be set forth in said agreement such other facts as shall then be required to be set forth in certificates of incorporation by the Laws of the State, which are stated in said agreement to be the laws that shall govern said resulting or surviving corporation and that can be stated in the case of a consolidation or merger. Said agreement shall be authorized, adopted, approved, signed and acknowledged by each of said constituent corporations in accordance with the laws under which it is formed and, in the case of a Delaware corporation, in the manner provided in the two immediately preceding paragraphs. The agreement so authorized, adopted, approved, signed and acknowledged shall be filed in the office of the Secretary of State and said agreement shall thenceforth be taken and deemed to be the agreement and act of consolidation or merger of said constituent corporations for all purposes of the laws of this State. A copy of said agreement, duly certified by the Secretary of State under the seal of his office shall also be recorded as provided in this Section with respect to the consolidation or merger of corporations of this State.

If the corporation resulting or surviving such consolidation or merger is to be governed by the Laws of any State other than the laws of this State, it shall agree that it may be served with process in this State in any proceeding for enforcement of any obligation of any constituent corporation of this State, including any amount fixed by appraisers pursuant to the provisions of Section 61 of this Chapter, and shall irrevocably appoint the Secretary of State as its agent to accept service of process in an action for the enforcement of payment of any such obligation or any amount fixed by appraisers

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as aforesaid and shall specify the address to which a copy of such process shall be mailed by the Secretary of State. Service of such process shall be made by personally delivering to and leaving with the Secretary of State duplicate copies of such process. The Secretary of State shall forthwith send by registered mail one of such copies to such resulting or surviving corporation at its address so specified, unless such resulting or surviving corporation shall thereafter have designated in writing to the Secretary of State a different address for such purpose, in which case it shall be mailed to the last address so designated.

Section 7. That Section 60 of said Chapter 65, being Section 1974, of said Code, be amended by striking out said Section and inserting in lieu thereof the following:

1974. Sec. 60. Consolidation or Merger; Status of Old and New Corporations:—When an agreement shall have been signed, acknowledged, filed and recorded, as in the preceding Section is required, for all purposes of the laws of this State the separate existence of all the constituent corporations, parties to said agreement, or of all such constituent corporations except the one into which the other or others of such constituent corporations have been merged, as the case may be, shall cease and the constituent corporations shall become a new corporation, or be merged into one of such corporations, as the case may be, in accordance with the provisions of said agreement possessing all the rights, privileges, powers and franchises as well of a public as of a private nature, and being subject to all the restrictions, disabilities and duties of each of such corporations so consolidated or merged, and all and singular, the rights, privileges, powers and franchises of each of said corporations, and all property, real, personal and mixed, and all debts due to any of said constituent corporations on whatever account, as well for stock subscriptions as all other things in action or belonging to each of such corporations shall be vested in the corporation resulting from or surviving such consolidation or merger; and all property, rights, privileges, powers and franchises, and all and every other interest shall be thereafter as effectually the property of the resulting or surviving corporation as they were of the several and

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respective constituent corporations, and the title to any real estate, whether vested by deed or otherwise, under the laws of this State, vested in any of such constituent corporations, shall not revert or be in any way impaired by reason of this Chapter; provided, however, that all rights of creditors and all liens upon any property of any of said constituent corporations shall be preserved unimpaired, and all debts, liabilities and duties of the respective constituent corporations shall thenceforth attach to said resulting or surviving corporation, and may be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it.

Section 8. That Section 61 of said Chapter 65, being Section 1975 of said Code, be amended by striking out said Section and inserting in lieu thereof the following:

1975. Sec. 61. Consolidation or Merger; Payment for Stock of Dissatisfied Stockholder:—If any stockholder in any corporation of this State consolidating or merging as aforesaid, who objected thereto in writing, shall within twenty days after the date on which the agreement of consolidation or merger has been filed and recorded, as aforesaid, demand in writing from the corporation resulting from or surviving such consolidation or merger, payment of his stock, such resulting or surviving corporation shall, within three months thereafter, pay to him the value of his stock at said date, exclusive of any element of value arising from the expectation or accomplishment of such consolidation or merger. If within thirty days after the date of such written demand the corporation and such stockholder fail to come to an agreement as to such value of such stock, such stockholder may demand an appraisal of his stock by three disinterested persons, one of whom shall be designated by the stockholder, one by the directors of the resulting or surviving corporation and the other by the two designated as aforesaid and may serve written notice on such corporation designating therein one appraiser and requiring the corporation to designate a second appraiser within thirty days from the date of service of such notice. If within thirty days from the date of service of such notice the corporation shall have failed to designate a second appraiser or if the two appraisers first designated shall fail to designate a third

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appraiser within thirty days from the designation of the second appraiser, such stockholder may apply to the Chancellor to designate a second and a third appraiser, or a third appraiser, as the case may be. The decision of the appraisers as to such value of such stock shall be final and binding upon the corporation and such stockholder. In case the value of such stock as so fixed by the appraisers is not paid to such stockholder within sixty days from the date of such decision and of notice thereof given to the corporation, the decision of the appraisers shall be evidence of the amount due from the corporation, and such amount may be collected as other debts are by law collectible from the resulting or surviving corporation. Upon receipt of payment in full of the value of such stock, such stockholder shall transfer his stock to the said resulting or surviving corporation, to be disposed of by the directors thereof, or to be retained for the benefit of the remaining stockholders.

Section 9. That Section 62 of said Chapter 65, being Section 1976 of said Code, be amended by striking out said Section and inserting in lieu thereof the following:

1976. Sec. 62. Consolidation or Merger; Pending Actions Saved:—Any action or proceeding pending by or against any of the corporations consolidated or merged may be prosecuted to judgment, as if such consolidation or merger had not taken place or the corporation resulting from or surviving such consolidation or merger may be substituted in its place.

Section 10. That Section 63 of said Chapter 65, being Section 1977 of said Code, be amended by striking out said Section and inserting in lieu thereof the following:

1977. Sec. 63. Liability of Corporations and Rights of Others Unimpaired by Sale; Increase or Decrease of Capital Stock, or by Consolidation or Merger:—The liability of corporations created under this Chapter, or existing under the laws of this State, or the stockholders or officers thereof, or the rights or remedies of the creditors thereof, or of persons doing or transacting business with

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such corporation, shall not in any way be lessened or impaired by the sale thereof, or by the increase or decrease in the capital stock of any such corporation, or by the consolidation or merger of two or more corporations or by any change or amendment in the Articles of Incorporation.

Section 11. That Section 64 of said Chapter 65, being Section 1978 of said Code, be amended by striking out said Section and inserting in lieu thereof the following:

1978. Sec. 64. Powers of Corporation Resulting From or Surviving Consolidation or Merger:—When two or more corporations are consolidated or merged, the corporation resulting from or surviving such consolidation or merger shall have power and authority to issue bonds or other obligations, negotiable or otherwise, and with or without coupons or interest certificates thereto attached, to an amount sufficient with its capital stock to provide for all the payments it will be required to make, or obligations it will be required to assume, in order to effect such consolidation or merger; to secure the payment of which bonds and obligations it shall be lawful to mortgage its corporate franchise, rights, privileges and property, real, personal and mixed; and may issue certificates of its capital stock to the stockholders of such constituent corporations in exchange or payment for the original shares, in such amount as shall be necessary in accordance with the terms of agreement of consolidation or merger in order to effect such consolidation or merger in the manner and on the terms specified in such agreement.

Section 12. That Section 69 of said Chapter 65, being Section 1983 of said Code, be amended by striking out said Section and inserting in lieu thereof the following:

1983. Sec. 69. Lost or Destroyed Stock Certificates; Issuance of New:—Every corporation organized under this Chapter may issue a new certificate of stock in the place of any certificate theretofore issued by it, alleged to have been lost or destroyed, and the directors may, in their discretion, require the owner of the lost or destroyed certificate, or his legal representatives, to give the cor-

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poration a bond sufficient to indemnify the corporation against any claim that may be made against it on account of the alleged loss of any such certificate or the issuance of such new certificate; a new certificate may be issued without requiring any bond when, in the judgment of the directors it is proper so to do; when any such corporation shall have refused to issue a new certificate of stock in place of one theretofore issued by it, or by any corporation of which it is the lawful successor, alleged to have been lost or destroyed, the owner of the lost or destroyed certificate or his legal representatives, may apply to the Superior Court of the State of Delaware in and for the County in which the principal office of the corporation is located for an order requiring the corporation to show cause why it should not issue a new certificate of stock in place of the one so lost or destroyed; such application shall be by petition duly verified, in which shall be stated the name of the corporation, the number and date of the certificate, if known or ascertainable by the petitioner, the number of shares of stock named therein and to whom issued, and a statement of the circumstances attending such loss or destruction; thereupon said Court shall make an order requiring the corporation to show cause at a time and place therein mentioned, why it should not issue a new certificate of stock in place of the one described in the petition; a copy of the petition or order shall be served upon the President or other head officer of the corporation, or on the Cashier, Secretary, Treasurer or any director thereof personally or left at the principal office or place of business of the corporation in this State at least five days before the time designated in the order.

Section 13. That Section 70 of said Chapter 65, being Section 1984 of said Code, be amended by striking out said Section and inserting in lieu thereof the following:

1984. Sec. 70. New Certificates; Judicial Proceedings:—At the time and place specified in the order, and on proof of service thereof, the Court shall proceed to hear the proofs and allegations in behalf of the parties in interest, relative to the subject matter of inquiry, and if upon such hearing the Court shall be satisfied that the petitioner is the lawful owner of the number of shares of

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capital stock, or any part thereof, described in the petition, and that the certificate therefor has been lost or destroyed, and no sufficient cause has been shown why a new certificate should not be issued in place thereof, it shall make an order requiring the corporation, within such time as shall be therein designated, to issue and deliver to the petitioner a new certificate for the number of shares of the capital stock of the corporation, which shall be specified in the order as owned by the petitioner, and the certificate for which shall have been lost or destroyed; in making such order the Court shall direct that, prior to the issuance and delivery to the petitioner of such new certificate, the petitioner give the corporation a bond in such form and with such security as to the Court shall appear sufficient to indemnify the corporation against any claim that may be made against it on account of the alleged loss of any such certificate or the issuance of such new certificate; obedience to said order may be enforced by the Court by attachment against the officers of the corporation, on proof of their refusal to comply with the same. No corporation which has issued a certificate pursuant to an order of the Court entered hereunder shall be liable in an amount in excess of the amount specified in such bond.

Section 14. That Section 79 of said Chapter 65, being Section 1993 of said Code, be, and the same is hereby, amended by striking out said Section and inserting in lieu thereof the following:

1993. Sec. 79. Change of Location of Principal Office; Change of Resident Agent:—(1) The Board of Directors of any corporation organized under the laws of this State may change the location of the principal office of such corporation within this State to any other place within this State by resolution adopted at a regular or special meeting of such Board; by like resolution, the resident agent of such corporation may be changed to any other person or corporation. In either such case, such resolution shall be as detailed in its statement as is provided in Paragraph 2, Section 1919, being Section 5 of this Chapter. Upon the adoption of a resolution as aforesaid, a copy thereof shall be filed in the office of the Secretary of State signed by the President and Secretary of such corporation, and sealed with its corporate seal; and a cer-

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tified copy recorded in the office of the Recorder in and for the County in which said new office may be located; for filing the said certificate, the Secretary of State shall charge a fee of five dollars.

(2) The location of the office of any resident agent of corporations in any City or Town of this State may be transferred from one address to another in the same City or Town, or from any City or Town in this State to any other City or Town in this State, upon making and executing by such resident agent of a certificate, duly acknowledged before an officer authorized by the laws of this State to take acknowledgments of deeds, setting forth the names of all the corporations represented by such resident agent, and the address at which such resident agent has maintained the principal office for each of such corporations, and further certifying to the new address to which such resident agency will be transferred on a given day, and at which new address such resident agent will thereafter maintain the principal office for each of the corporations recited in said certificate. Upon the filing of such certificate, in duplicate, in the office of the Secretary of State, the said Secretary shall furnish a certified copy of the same under his hand and seal of office, and said certified copy shall be recorded in the office of the Recorder of Deeds of the County where the principal office of said corporation is located in this State, in a book kept for that purpose and thereafter, or until further change of address, as authorized by law, the principal office in this State of each of the corporations recited in said certificate shall be located at the new address of the resident agent thereof as given in the certificate. The fees to be charged by the Secretary of State for the use of the State for the filing of said certificates shall be Fifty Dollars, plus the same fees for receiving, filing, indexing, copying and certifying the same as is charged in the case of filing a charter.

(3) The resident agent of one or more corporations, organized and operating under the laws of this State, may make and file with the Secretary of State his or its certificate, in duplicate, resigning the said office of resident agent, and appointing another person or corporation as such resident agent, in his or its stead, and stating further the address of such substituted agent, in accordance with

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the requirements of Paragraph 2, Section 1919, being Section 5, of this Chapter. There shall be attached to such certificate statements, each signed by the President, or a Vice-President, of the corporations for which such agent was appointed, and sealed with the corporate seal thereof, ratifying and approving such change of resident agent, and shall be duly acknowledged before an officer authorized by the laws of this State to take acknowledgments of deeds, and shall be executed in duplicate. Upon the filing of such duplicate certificate in the office of the Secretary of State, the substituted resident agent shall thereupon become the resident agent of such corporations as have ratified and approved such substitution as aforesaid, and the Secretary of State shall then issue his certificate, that the substituted resident agent has become the resident agent of the said corporations so ratifying and approving such change of resident agent, and setting out the names of such corporations, which certificate of the Secretary of State shall be recorded in the office of the Recorder of Deeds, in and for the County in which the Certificate of Incorporation is recorded, and the Recorder shall forthwith make a note of the change of resident agent on the margin of the record of the certificates of incorporation of those corporations which have ratified and approved such change. For filing such duplicate certificates of change of resident agent the Secretary of State shall charge a fee of Fifty Dollars and a further fee of Two Dollars for each corporation whose resident agent is changed by such certificate.

(4) The resident agent of one or more corporations, organized and existing under the laws of this State, may make and file with the Secretary of State his or its certificate, in duplicate, resigning the said office of resident agent without appointing any person or corporation as such resident agent in his or its stead; providing that such resignation shall not become effective until thirty days after such certificate is so filed. There shall be attached to such certificate, in duplicate, an affidavit of such resident agent, if an individual, or of the president or secretary thereof, if a corporation, that at least thirty days prior to the date of the filing of said certificate, due notice was sent by registered mail to the corporation for which such resident agent was acting, at the principal

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office thereof outside the State, if known to such resident agent or, if not, to the last known address of the attorney or other individual at whose request such resident agent was appointed for such corporation, of the resignation of such resident agent; and for filing such certificate of resignation the Secretary of State shall charge a fee of Two Dollars and Fifty Cents for each corporation whose resident agent has resigned by such certificate, and upon the filing of such certificate with the Secretary of State, the Secretary of State shall then notify the Recorder of Deeds in and for the county in which the Certificate of Incorporation of such corporation is recorded of the resignation of its resident agent as set forth in such certificate and the said Recorder of Deeds shall forthwith make a note of the resignation of such resident agent on the margin of the record of the Certificate of Incorporation of such corporation, for which the said Recorder of Deeds shall receive the fee of Fifty Cents for each such notation, to be paid to him by the Secretary of State out of the above mentioned fee payable to the Secretary of State. After receipt of such notice of the resignation of its resident agent, it shall be the duty of the corporation for which such resident agent was acting to obtain and designate a new resident agent to take the place of the resident agent so resigning in the same manner as is provided in paragraph (1) of this section for change of resident agent, and if such corporation shall fail to obtain and designate a new resident agent as aforesaid prior to the said expiration of said period of thirty days after the filing by the resident agent of said certificate of resignation, such facts shall be duly certified by the Secretary of State to the Attorney General of the State of Delaware, and it shall thereupon be the duty of the Attorney General to forthwith commence proceedings in Quo Warranto against such corporation in a court of competent jurisdiction and such court, upon competent proof of said state of facts and upon appropriate steps taken in such proceedings in Quo Warranto, shall decree the charter of such corporation forfeited. After the resignation of such resident agent shall have become effective as above provided and in the event no new resident agent shall have been obtained and designated in the time and manner aforesaid, service of legal process against the corporation for which said resigned resident agent had been acting shall thereafter be upon the Secre-

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tary of State in accordance with the requirements of Paragraph 1962, Section 48 of the Revised Code of Delaware.

Section 15. That Section 188 of said Chapter 65, being Section 2101a of said Code, be, and the same is hereby amended by striking out said Section and inserting in lieu thereof the following:

2101a. Sec. 188. Foreign Corporations Doing Business in This State:—No corporation created by the laws of any other State, or the laws of the United States, shall do any business in this State, through or by branch offices, agents or representatives located in this State, until it shall have filed in the office of the Secretary of State of this State a certified copy of its charter and the name or names of its authorized agent or agents in this State, together with a sworn statement of the assets and liabilities of such corporation, and shall have paid to the Secretary of State, for the use of the State, Ten Dollars; and every foreign corporation admitted to do business in this State which shall amend its charter from time to time or shall be a party to a merger or consolidation permitted by the laws of the State under which it is organized, shall, within thirty days after the time such amendment or merger or consolidation becomes effective, file with the Secretary of State of this State a copy of such amendment or a copy of the articles of merger or consolidation, duly certified by the proper officer of the State by which such corporation shall have been incorporated or under the laws of which such merger or consolidation was effected; provided, however, that no corporation created by the laws of any other State, or the laws of the United States, shall be deemed to be doing business in this State (nor shall such corporation be required to comply with the provisions of this Section) under the following conditions, or any of them:

(a) If it is in the mail order or a similar business, merely receiving orders by mail or otherwise in pursuance of letters, circulars, catalogs, or other forms of advertising, or solicitation, accepting such orders outside this State, and filling them with goods shipped into this State from without same;

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(b) If it employs salesmen, either resident or traveling, to solicit orders in this State, either by display of samples or otherwise (whether or not maintaining sales offices in this State, all orders being subject to approval at the offices of the corporation without this State, and all goods applicable to such orders being shipped in pursuance thereof from without this State to the vendee or to the seller or his agent for delivery to the vendee; provided, that any samples kept within this State are for display or advertising purposes only, and no sales, repairs, or replacements are made from stock on hand in this State;

(c) If it sells, by contract consummated outside this State, and agrees, by such contract, to deliver into from without this State, machinery, plants, or equipment, the construction, erection or installation of which within this State requires the supervision of technical engineers or skilled employees performing services not generally available, and as a part of the contract of sale agrees to furnish such services, and such services only, to the vendee at the time of construction, erection or installation;

(d) If its business operations within this State, although not falling within the terms of paragraphs (a), (b), and (c) above, or any of them, are nevertheless wholly interstate in character.

The certificate of the Secretary of State, under his seal of office, of the filing of such charter shall be delivered to such agent or agents upon the payment to said Secretary of State of the usual fees for making certified copies, and the said Certificate shall be prima facie evidence of the right of such corporation to do business in this State; provided, however, this Section shall not apply to insurance companies doing business in this State.

Section 16. Nothing contained in Sections 12 or 13 hereof, amending Sections 69 and 70 of said Chapter, shall be deemed to affect in any way the rights of any person upon or with respect to any bonds taken in conformity with said Sections 69 and 70 as they existed prior to the amendment of said Sections.

Approved April 18, 1935.

CHAPTER 149

BANKS

**AN ACT IN RELATION TO CAPITAL NOTES AND DEBENTURES
OF BANKS AND TRUST COMPANIES AND AUTHORIZING
THEIR ISSUE AND SALE.**

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House concurring therein):

Section 1. With the approval of the State Bank Commissioner any bank or trust company in this State may at any time through action of its Board of Directors and without requiring any action of its stockholders issue and sell its capital notes or debentures. Such capital notes or debentures shall be subordinate and subject to the claims of depositors and may be subordinated and subjected to the claims of other creditors.

The term "capital" as used in the laws of this State relating to banking shall be construed to embrace the amount of outstanding capital notes and debentures legally issued by any bank or trust company in this State and sold by it to the Reconstruction Finance Corporation. The capital stock of any such bank or trust company may be deemed to be unimpaired when the amount of such capital notes and debentures as represented by cash or sound assets exceeds the impairment as found by the State Bank Commissioner. Before any such capital notes or debentures are retired or paid by the bank or trust company any existing deficiency of its capital (disregarding the notes or debentures to be retired) must be paid in cash, to the end that the sound capital assets shall at least equal the capital stock of the bank or trust company.

Such capital notes or debentures shall in no case be subject to any assessment. The holders of such capital notes or debentures shall not be held individually responsible as such holders for any debts, contracts, or engagements of such bank or trust company

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and shall not be held liable for assessments to restore impairments in the capital of such institution.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Approved April 1, 1935.

CHAPTER 150

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AN ACT AUTHORIZING LOANS AND INVESTMENTS BY BANKS, SAVINGS BANKS, TRUST COMPANIES, INSURANCE COMPANIES, AND BUILDING AND LOAN ASSOCIATIONS, IN LOANS, MORTGAGES, DEBENTURES AND SECURITIES ISSUED PURSUANT TO THE PROVISIONS OF AN ACT OF CONGRESS KNOWN AS THE NATIONAL HOUSING ACT, APPROVED BY THE PRESIDENT OF THE UNITED STATES JUNE 27, 1934.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all members elected thereto concurring):

Section 1. Banks, Savings Banks, Trust Companies, in their individual but not in their fiduciary capacity, Building and Loan Associations, and Insurance Companies, subject to the laws of this State, are hereby authorized and empowered to make such loans and advances of credit and purchases of obligations representing loans and advances of credit as are eligible for insurance pursuant to Title I, Section 2 of An Act of Congress known as the National Housing Act, approved by the President of the United States June 27, 1934, and to obtain such insurance; and to make such loans, secured by real property or leasehold, as the Federal Housing Administrator insures or makes a commitment to insure pursuant to Title II of the said National Housing Act, and to obtain such insurance.

Section 2. The mortgages, debentures and other securities herein made eligible for investment may be used as security for any depository bond or obligation wherein any kind of bonds or other securities are required or may by law be deposited as security.

Section 3. If any section, sub-section, sentence, clause or phrase of this Act be for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portion

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of this Act. The General Assembly hereby declares that it would have passed this Act and each section, sub-section, sentence, clause and phrase thereof separately and irrespective of the fact that any one or more of the sections, sub-sections, sentences, clauses or phrases be unconstitutional.

Approved April 18, 1935.

CHAPTER 151

MUNICIPAL EMERGENCY PROCEDURE ACT OF 1935

AN ACT SIMPLIFYING THE PROCEDURE FOR THE CONSTRUCTION AND FINANCING OF PUBLIC WORKS PROJECTS BY MUNICIPALITIES, ENABLING MUNICIPALITIES TO MAKE AND PERFORM CONTRACTS WITH FEDERAL AGENCIES RELATING TO THE CONSTRUCTION AND FINANCING OF SUCH PROJECTS AND CONFERRING ADDITIONAL POWERS UPON MUNICIPALITIES OF THE STATE OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members elected to each House concurring therein):

Section 1. Short Title:—This act may be cited as "The Municipal Emergency Procedure Act of 1935."

Section 2. Definitions:—The following terms wherever used or referred to in this act shall have the following meaning unless a different meaning appears from the context:

(a) The term "municipality" shall mean a county, incorporated city or town of the State of Delaware.

(b) The term "governing body" shall mean the council, commission, board or other body having the authority to govern a municipality.

(c) The term "law" shall mean any act or statute, general, special or local, of this State, including, without being limited to, the charter of any municipality.

(d) The term "bonds" shall mean bonds, interim receipts, certificates, or other obligations of a municipality issued or to be issued by its governing body for the purpose of financing or aiding in the financing of any work, undertaking or project for which a loan or grant, or both, has heretofore been made or may hereafter be made by any Federal Agency.

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(e) The term "Recovery Act" shall mean the National Industrial Recovery Act, being the Act of the Congress of the United States of America, approved June sixteenth, nineteen hundred thirty-three, entitled "An Act to encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes," and any acts amendatory thereof, and any acts supplemental thereto, and revisions thereof, and any further Acts or Joint Resolutions of the Congress of the United States of America to reduce and relieve unemployment or to provide for the construction of public works or for work relief.

(f) The term "Federal Agency" shall include the United States of America, the President of the United States of America, the Federal Emergency Administrator of Public Works, Reconstruction Finance Corporation, and any agency or instrumentality of the United States of America, which has heretofore been or hereafter may be designated, created or authorized to make loans or grants.

(g) The term "public works project" shall mean any work, project, or undertaking which any municipality, is authorized or required by law to undertake or any lawful purpose for which any municipality is authorized or required by law to make an appropriation.

(h) The term "contract" or "agreement" between a Federal Agency and a municipality shall include contracts and agreements in the customary form and shall also be deemed to include an allotment of funds, resolution, unilateral promise, or commitment by a Federal Agency by which it shall undertake to make a loan or grant, or both, upon the performance of specified conditions or compliance with rules and regulations theretofore or thereafter promulgated, prescribed or published by a Federal Agency. In the case of such an allotment of funds, resolution, unilateral promise, or commitment by a Federal Agency, the terms, conditions and restrictions therein set forth and the rules and regulations theretofore or thereafter promulgated, prescribed or published shall, for the purpose of this act, be deemed to constitute covenants of such a

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contract which shall be performed by the municipality, if the municipality accepts any money from such Federal Agency.

Section 3. Powers Conferred:—Every municipality shall have power and is hereby authorized:

(a) To accept from any Federal Agency grants for or in aid of the construction of any public works project.

(b) To make contracts and execute instruments containing such terms, provisions, and conditions as in the discretion of the governing body of the municipality may be necessary, proper or advisable for the purpose of obtaining grants or loans, or both, from any Federal Agency pursuant to or by virtue of the Recovery Act; to make all other contracts and execute all other instruments necessary, proper or advisable in or for the furtherance of any public works project and to carry out and perform the terms and conditions of all such contracts or instruments.

(c) To subscribe to and comply with the Recovery Act and any rules and regulations made by any Federal Agency with regard to any grants or loans, or both, from any Federal Agency.

(d) To perform any acts authorized under this act through, or by means of its own officers, agents and employees, or by contracts with corporations, firms or individuals.

(e) To award any contract for the construction of any public works project or part thereof upon any day at least fifteen days after one publication of a notice requesting bids upon such contract in a newspaper of general circulation in the municipality.

(f) To sell bonds at private sale to any Federal Agency without any public advertisement.

(g) To issue interim receipts, certificates or other temporary obligations, in such form and containing such terms, conditions and provisions as the governing body of the municipality issuing the

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same may determine, pending the preparation or execution of definitive bonds for the purpose of financing the construction of a public works project.

(h) To issue bonds bearing the signatures of officers in office on the date of signing such bonds, notwithstanding that before delivery thereof any or all the persons whose signatures appear thereon shall have ceased to be the officers of the municipality issuing the same.

(i) To include in the cost of a public works project which may be financed by the issuance of bonds: (1) Engineering, inspection, accounting, fiscal and legal expenses; (2) the cost of issuance of the bonds, including engraving, printing, advertising, and other similar expenses; (3) any interest costs during the period of construction of such public works project and for six months thereafter on money borrowed or estimated to be borrowed.

(j) To exercise any power conferred by this act for the purpose of obtaining grants or loans, or both, from any Federal Agency pursuant to or by virtue of the Recovery Act, independently or in conjunction with any other power or powers conferred by this act or heretofore or hereafter conferred by any other law.

(k) To do all acts and things necessary or convenient to carry out the powers expressly given in this act.

Section 4. Construction of Act:—The powers conferred by this act shall be in addition and supplemental to and not in substitution for the powers now or hereafter conferred upon any municipality by any other law. This act is intended to aid in relieving the existing emergency by simplifying the procedure for the construction and financing of public works projects. This act is remedial in nature and the powers hereby granted shall be liberally construed. Nothing in this act shall be construed to authorize the issuance of bonds for any purpose by any municipality not authorized to issue bonds for such purpose under any other law heretofore or hereafter enacted, nor to dispense with the approval by a

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state department, board, officer or commission of a public works project where such approval is necessary under provisions of existing law.

Section 5. Separability of Provisions:—If any provision of this act, or the application thereof to any person, body, or circumstances shall be held invalid, the remainder of the act and the application of such provision to persons, bodies, or circumstances other than those as to which it shall have been held invalid shall not be affected thereby.

Section 6. Termination of Act:—Except in pursuance of any contract or agreement theretofore entered into by and between any municipality and any Federal Agency, no municipality shall exercise any of the powers conferred by this act after June 30, 1937.

Section 7. Time of Taking Effect:—An emergency existing, this Act shall be in force and effect from the date of its approval.

Approved April 15, 1935.

CHAPTER 152

MUNICIPAL CORPORATIONS

AN ACT VALIDATING, RATIFYING, APPROVING AND CONFIRMING BONDS AND OTHER INSTRUMENTS OR OBLIGATIONS HERETOFORE ISSUED BY PUBLIC BODIES OF THIS STATE FOR PUBLIC WORKS PROJECTS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members elected to each house concurring therein):

Section 1. This Act may be cited as "The 1935 Validating Act."

Section 2. The following terms, wherever used or referred to in this Act, shall have the following meaning:

(a) The term "public body" means an incorporated city or town of the State of Delaware.

(b) The term "bonds" includes bonds, notes, warrants, debentures, certificates of indebtedness, temporary bonds, temporary notes, interim receipts, interim certificates and all instruments or obligations evidencing or representing indebtedness, or evidencing or representing the borrowing of money, or evidencing or representing a charge, lien, or encumbrance on specific revenues, income or property of a public body, or including all instruments or obligations payable from a special fund.

Section 3. All bonds heretofore issued for the purpose of financing or aiding in the financing of any work, undertaking or project by any public body to which any loan or grant has heretofore been made by the United States of America through the Federal Emergency Administrator of Public Works for the purpose of financing or aiding in the financing of such work, undertaking or project, including all proceedings for the authorization and issuance of such bonds, and the sale, execution and delivery thereof, are hereby validated, ratified, approved and confirmed, notwithstand-

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ing any lack of power (other than constitutional) of such public body, or the governing board or commission or officers thereof, to authorize and issue such bonds, or to sell, execute or deliver the same, and notwithstanding any defects or irregularities (other than constitutional) in such proceedings, or in such sale, execution or delivery; and such bonds are and shall be binding, legal, valid and enforceable obligations of such public body.

Section 4. An emergency existing, this Act shall be in force and effect from the date of its approval.

Approved April 15, 1935.

CHAPTER 153

BLADES

AN ACT TO AMEND CHAPTER 155, VOLUME 28, OF THE LAWS OF DELAWARE ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BLADES."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House concurring therein):

Section 1. That Section 12, Chapter 155, Volume 28, Laws of Delaware be, and the same is hereby repealed, and the following Section shall be known as Section 12, Chapter 155, Volume 28, Laws of Delaware:

"Section 12. The Town Council of said Town shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the said Town, at any stated meeting. There shall be twelve stated meetings to be held on the first Wednesday of each month. They shall have and are hereby vested with power and authority to prescribe the fines and penalties for violations of any of the provisions of this Act, or of the ordinances which may be imposed, either by this Act or the ordinances enacted as aforesaid, which may be collected before the Mayor of said Town, or any Justice of the Peace of said Town, and in default of payment said Mayor or Justice of the Peace may commit to the Town lockup or the public jail of Sussex County for any time not exceeding thirty days, or until such fine and costs shall be paid; and all ordinances so made, established and published shall be in full force and effect immediately upon the publication of them by said Council."

Section 2. That Section 18, Chapter 155, Volume 28, Laws of Delaware be, and the same is hereby repealed, and the following Section shall be known as Section 18, Chapter 155, Volume 28, Laws of Delaware:

The Mayor of said Town, the Council of said Town, and the Town Constable shall have power and authority to suppress, ex-

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tinguish and prevent all bonfires in any of the streets, lanes, alleys or squares of the said Town, and to suppress and prevent the firing of gun or pistols, or the setting off of firecrackers or other fireworks, or the making and throwing of fireballs, within the limits of said Town, and the Council of said Town may by ordinance or ordinances impose fines and penalties upon the person violating the provisions of this Section and may provide for the collection of such fines and penalties so imposed. The Mayor of said Town and the Council of said Town are hereby constituted the municipal Board of Health for the Town of Blades, with full authority to act in all matters pertaining to health as fully as if appointed as a separate Board of Health.

Section 3. That Section 23, Chapter 155, Volume 28, Laws of Delaware be, and the same is hereby repealed, and the following inserted in lieu thereof, to be known as Section 23, Chapter 155, Volume 28, Laws of Delaware:

"Section 23. The Council of said Town, after having ascertained the sum necessary to be raised in the said Town for the purposes of this Act, which sum shall in no year exceed Five Hundred Dollars, clear of dog tax and all delinquencies and expenses of collecting, and after having apportioned the same on the assessment and valuation aforesaid, shall annually in the month of May, or as soon thereafter as convenient, cause to be delivered to the Collector of Taxes, if there be one elected by the Council of said Town in said year, or if there be none to the Treasurer of said Town, a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the name of each the amount of the real estate, his poll or per capita and assessable personal property and the tax on the whole valuation and assessment, and the rate per hundred dollars, and which list shall be signed by the President of said Council. The Collector of Taxes, or if there be none elected in said year, the Treasurer of said Town, immediately after receiving said list, and in collecting the same, shall have all the powers conferred by law on the Collectors of the County rates and levies, and his authority to collect any tax shall continue for a period of three years from the date it is placed in

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his hands for collection. In the collection of said taxes, the Council of said Town shall have the power and authority to order the Collector of Taxes, or if there be none, the Treasurer, to deduct five per centum from the amount of tax assessed against the person or property of any one who will pay such tax by the first day of August in any year following the assessment of the same. The Collector of Taxes, before entering upon the duties of his office, shall give bond to the Town of Blades, with sufficient surety to be approved by the Council of said Town in a penal sum of twice the amount likely to come into his hands, conditioned for the faithful performance of the duties of this office and the payment to the Treasurer of said Town of all money collected by him belonging to said Town, and for the settlement of his accounts with the Council and the Treasurer of said Town in the month of February next following his election as Collector of Taxes, and at such other times as the Council of said Town may require, to which said bond and conditions there shall be annexed a warrant of authority for the confession of judgment for said penalty. The Collector of Taxes shall receive a reasonable compensation for his services, to be determined by the Council of said Town, provided, that he shall not receive more than ten per centum of the taxes collected by him. The Council shall have power to make just allowances for delinquencies in the collection of taxes."

Section 4. That Chapter 155, Volume 28, of the Laws of Delaware, entitled "An Act to incorporate the Town of Blades", and as amended by Chapter 150, Volume 33, of the Laws of Delaware, be and the same is hereby amended by striking out the words "eight hundred", as they appear in the sixth line of Chapter 150, Volume 33, Laws of Delaware, and inserting in lieu thereof the words "Fifteen Hundred."

Approved April 18, 1935.

CHAPTER 154

CLAYTON

AN ACT TO AMEND CHAPTER 131, VOLUME 33, LAWS OF DELAWARE, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF CLAYTON" BY EXEMPTING CERTAIN REAL ESTATE FROM MUNICIPAL TAXATION.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch of the Legislature concurring therein):

Section 1. That Section 25, Chapter 131, Volume 33, Laws of Delaware, entitled "An Act to Re-Incorporate the Town of Clayton", be amended by adding a new paragraph at the end of said Section 25 to read as follows:

The Town Council of the Town of Clayton is hereby authorized and empowered and may by ordinance or resolution duly adopted release and exempt the real estate, not exceeding five acres, of any person, firm, association or corporation within the corporate limits of the Town of Clayton, upon which any manufacturing plant, or any other industrial improvements shall be made or erected for the employment of labor, or any real estate upon which any buildings are now erected and which after the passage of this Act shall be used for any manufacturing or any industrial pursuit as aforesaid, not before carried on therein, from any municipal taxes, water rents, or charge for electric current, or any of them, for a period not in excess of ten years from the passing of such ordinance or resolution.

Approved March 11, 1935.

CHAPTER 155

CLAYTON

AN ACT TO AMEND CHAPTER 131, VOLUME 33, LAWS OF DELAWARE, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF CLAYTON" BY MAKING TAXES A LIEN FOR THREE YEARS AGAINST PROPERTY UPON WHICH ASSESSED.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members elected to each Branch concurring therein):

Section 1. That Chapter 131 of Volume 33, Laws of Delaware entitled "An Act to Re-Incorporate the Town of Clayton" be amended by adding a new paragraph at the end of Section 24 of said Chapter 131 of Volume 33, Laws of Delaware, to read as follows:

All taxes assessed and levied against any property or properties pursuant to the provisions of this Act shall constitute and be and remain a lien against the property upon which the same shall be assessed, for a period of three years next after said tax shall become due and payable.

Approved March 11, 1935.

CHAPTER 156

CLAYTON

AN ACT AUTHORIZING THE TOWN OF CLAYTON TO BORROW FORTY-ONE THOUSAND DOLLARS AND TO ISSUE BONDS THEREFOR, FOR THE PURPOSE OF REDEEMING AND REFUNDING CERTAIN OUTSTANDING BONDS OF THE TOWN OF CLAYTON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each Branch of the Legislature concurring therein):

Section 1. That the Town of Clayton is hereby authorized and empowered to borrow on the faith and credit of the said Town of Clayton, a sum of money not exceeding Forty-one Thousand Dollars (\$41,000.00) to be used for the purpose of redeeming and refunding the outstanding bonds together with accrued interest thereon of the said Town of Clayton.

Section 2. That the Town Council of the said Town of Clayton for the purpose set forth in Section 1 of this Act, shall have full power and authority to issue bonds of the said Town of Clayton to an amount not exceeding in the aggregate the sum of Forty-one Thousand Dollars (\$41,000.00) to be known as the Town of Clayton Refunding Bonds, series of 1935.

Section 3. The said bonds shall be issued in such denominations as the said Town Council of the Town of Clayton may deem proper and shall be numbered consecutively, beginning with number one, and shall bear interest at a rate not exceeding four per centum per annum, payable on the first days of January and July in each and every year, at the Clayton Bank, at Clayton, Delaware; or such other depository as the Town Council shall designate, on the presentation of the coupons attached to said bonds, representing said semi-annual interest.

Section 4. Said bonds shall bear date on the first day of January or the first day of July in the year in which the same shall be

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issued, and the principal thereof shall be payable at the Clayton Bank at Clayton, or such other depository as the Town Council shall designate at the expiration of five years from their date. The said bonds or any of them, may be redeemed at the option of the said Town Council of the Town of Clayton at par and accrued interest, at any interest period after the expiration of two years from the date of said bonds, provided however, that if the Town Council, aforesaid, shall at any time after the expiration of two years from the date of said bonds elect to redeem any of said bonds, such redemption shall be made in pursuance of notice signed by the President of said Town Council, and by the Treasurer of said Town, published once a week for two consecutive weeks in a newspaper published in said Town of Clayton, if one, and in a newspaper published in the City of Wilmington, and a newspaper published in the Town of Smyrna. Such notice shall indicate the bonds called and such bonds shall be called according to their number beginning with the lowest number, and the interest on the bonds so called shall cease from the date named for payment thereof.

Section 5. The Town Council of the Town of Clayton shall direct and effect the preparation, printing and sale of said bonds authorized by this Act at such time or times and on such terms as it may deem expedient, and all the moneys arising from said sale shall be applied to carrying into effect the provisions of this Act.

Section 6. The form of said bonds, with coupons thereto attached, shall be prescribed by the Town Council of the Town of Clayton and said bonds shall be signed by the President of the Town Council and by the Treasurer of said Town, and sealed with the corporate seal of said corporation, and shall be exempt from State, County and Municipal taxes. As said bonds and coupons thereto attached shall be paid the same shall be cancelled as the said Town Council shall direct.

Facsimile signatures of the President of the Town Council and of the Treasurer of the Town of Clayton may be imprinted upon the coupons attached to said bonds in lieu of the respective signatures of the said President of the Town Council and Treasurer of the Town of Clayton in their own original handwriting.

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Section 7. The said Town Council of the Town of Clayton is hereby authorized and required to levy and raise by taxation in each year any sum of money that may be required to pay the interest accruing on said bonds or any of them, whilst any of said bonds remain unpaid. And the said Town Council is further authorized and required to levy and raise by taxation from time to time such sum or sums as said Town Council shall deem proper to establish a sinking fund adequate for the redemption of said bonds or any of them, at or before their maturity. Taxes for interest and sinking fund, as aforesaid, shall be levied and raised as taxes for general municipal purposes in the said Town are levied and raised and shall be in addition to the taxes raised for all or any other purposes.

Section 8. The Bonds authorized by this Act may be issued at one time or at different times, as the Town Council of the Town of Clayton shall determine, and the authority to issue and sell any bonds or number of bonds under this Act shall not be deemed to be exhausted until the aggregate of the amount of bonds issued under this Act shall be Forty-one Thousand Dollars.

Section 9. The faith and credit of the said Town of Clayton are hereby pledged for the payment of all of the bonds that may be issued under the provisions of this Act.

Section 10. A statement appearing in the bonds issued under the provisions of this Act to the effect that the bonds have been duly authorized, shall be deemed and held to be conclusive evidence in favor of the holder of any of such bonds, that all the terms and conditions of this Act have been fully met and complied with.

Approved March 11, 1935.

CHAPTER 157

DOVER

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO 'THE CITY OF DOVER' AND ESTABLISHING A CHARTER THEREFOR" BY EXEMPTING CERTAIN REAL ESTATE FROM MUNICIPAL TAXATION.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each Branch of the Legislature concurring therein):

Section 1. The City Council of The City of Dover is hereby authorized and empowered and may by ordinance or resolution duly adopted release and exempt the real estate, not exceeding five acres, of any person, firm, association or corporation within the corporate limits of The City of Dover, upon which any manufacturing plant, or any other industrial improvements shall be made or erected for the employment of labor, or any real estate upon which any buildings are now erected and which after the passage of this Act shall be used for any manufacturing or any industrial pursuit as aforesaid, not before carried on *therein*, from any municipal taxes, water rents, or charge for electric current, or any of them, for a period not in excess of ten years from the passing of such ordinance or resolution.

Approved February 4, 1935.

CHAPTER 158

DOVER

AN ACT AUTHORIZING "THE CITY OF DOVER" TO BORROW FOUR HUNDRED FIFTY THOUSAND DOLLARS AND TO ISSUE BONDS THEREFOR, FOR THE PURPOSE OF REDEEMING AND REFUNDING CERTAIN OUTSTANDING BONDS OF "THE CITY OF DOVER."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each Branch of the Legislature concurring therein):

Section 1. That "The City of Dover", a municipal corporation created by and existing under the laws of the State of Delaware, be and it is hereby authorized and empowered to borrow, on the faith and credit of the said "The City of Dover", a sum of money not exceeding Four Hundred Fifty Thousand Dollars (\$450,000.00) to be used for the purpose of redeeming and refunding the outstanding bonds together with accrued interest thereon of the said "The City of Dover."

Section 2. That the City Council of the said "The City of Dover" for the purpose set forth in Section 1 of this Act, shall have full power and authority to issue bonds of the said "The City of Dover" to an amount not exceeding in the aggregate the sum of Four Hundred Fifty Thousand Dollars (\$450,000.00) to be known as "The City of Dover Refunding Bonds, series of 1935."

Section 3. The said bonds shall be issued in such denominations as the said City Council of "The City of Dover" may deem proper and shall be numbered consecutively, beginning with number one, and shall bear interest at a rate not exceeding four per centum per annum, payable on the first days of January and July in each and every year, at the Farmers Bank of the State of Delaware, at Dover, on the presentation of the coupons attached to said bonds, representing said semi-annual interest, and shall be divided into series which shall mature and be due and payable as follows:

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Series	Amount	Maturity Date
A	\$15,000	July 1, 1940
B	15,000	July 1, 1941
C	15,000	July 1, 1942
D	15,000	July 1, 1943
E	15,000	July 1, 1944
F	15,000	July 1, 1945
G	15,000	July 1, 1946
H	15,000	July 1, 1947
J	15,000	July 1, 1948
K	15,000	July 1, 1949
L	15,000	July 1, 1950
M	15,000	July 1, 1951
N	15,000	July 1, 1952
O	15,000	July 1, 1953
P	15,000	July 1, 1954
Q	15,000	July 1, 1955
R	15,000	July 1, 1956
S	15,000	July 1, 1957
T	15,000	July 1, 1958
U	15,000	July 1, 1959
V	15,000	July 1, 1960
W	15,000	July 1, 1961
X	15,000	July 1, 1962
Y	15,000	July 1, 1963
Z	15,000	July 1, 1964
AA	15,000	July 1, 1965
AB	15,000	July 1, 1966
AC	15,000	July 1, 1967
AD	15,000	July 1, 1968
AE	15,000	July 1, 1969

Provided, however, that any or all of the said bonds may be redeemed at the option of The Council of "The City of Dover" at par and accrued interest at any interest period after the expiration of five years from the date of said bonds; and provided further, that if the City Council shall at any time after the expiration of five years from the date of said bonds, elect to redeem any of said

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bonds, such redemption shall be made in pursuance of notice signed by the Mayor of The City of Dover and by the Treasurer of said City, published once a week for two consecutive weeks in each newspaper published in said City. Such notice shall indicate the bonds called, and in making such calls the City shall call the bonds according to their number, beginning with the lowest number, and the interest on any of said bonds shall cease from the date named in any of said calls for redemption.

All bonds issued under the provisions of this Act of whatever series and of whatever denomination, constituting the residue of said issue shall mature and become due and payable on July 1, 1969.

Section 4. Said bonds shall bear date as of the first day of January or the first day of July of the year in which the same shall be issued, and the principal thereof shall be payable at the Farmers Bank of the State of Delaware, at Dover.

Section 5. The City Council of "The City of Dover" shall direct and effect the preparation, printing and sale of said bonds authorized by this Act at such time or times and on such terms as it may deem expedient, and all the moneys arising from said sale shall be applied to carrying into effect the provisions of this Act.

Section 6. The form of said bonds, with coupons thereto attached, shall be prescribed by the City Council of "The City of Dover" and said bonds shall be signed by the Mayor of "The City of Dover" and by the Treasurer of said City, and sealed with the corporate seal of said corporation, and shall be exempt from State, County and Municipal taxes. As said bonds and coupons thereto attached shall be paid the same shall be cancelled as the said City Council shall direct.

Facsimile signatures of the Mayor of The City of Dover and of the Treasurer of The City of Dover may be imprinted upon the coupons attached to said bonds in lieu of the respective signatures of the said Mayor and Treasurer of The City of Dover in their own original hand writing.

Section 7. The said City Council of "The City of Dover" is hereby authorized and required to levy and raise by taxation in

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each year any sum of money that may be required to pay the interest accruing on said bonds or any of them, whilst any of said bonds remain unpaid. And the said City Council is further authorized and required to levy and raise by taxation from time to time such sum or sums as said City Council shall deem proper to establish a sinking fund adequate for the redemption of said bonds or any of them, at or before their maturity. Taxes for interest and sinking fund, as aforesaid, shall be levied and raised as taxes for general municipal purposes in the said City are levied and raised and shall be in addition to the taxes raised for all or any other purposes.

Section 8. The Bonds authorized by this Act may be issued at one time or at different times, as the City Council of "The City of Dover" shall determine, and the authority to issue and sell any bonds or number of bonds under this Act shall not be deemed to be exhausted until the aggregate of the amount of bonds issued under this Act shall be Four Hundred Fifty Thousand Dollars.

Section 9. The faith and credit of the said "The City of Dover" are hereby pledged for the payment of all of the bonds that may be issued under the provisions of this Act.

Section 10. A statement appearing in the bonds issued under the provisions of this Act to the effect that the bonds have been duly authorized, shall be deemed and held to be conclusive evidence in favor of the holder of any of such bonds, that all the terms and conditions of this Act have been fully met and complied with.

Approved February 28, 1935.

CHAPTER 159

DOVER

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO 'THE CITY OF DOVER' AND ESTABLISHING A CHARTER THEREFOR" BY PROVIDING A PROCEDURE FOR CONDEMNATION OF PROPERTY TAKEN FOR MUNICIPAL PURPOSES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members elected to each House of the Legislature concurring therein):

Section 1. That Chapter 158 of Volume 36, Laws of Delaware, be and the same is hereby amended by repealing Section 2 of said Chapter 158 of Volume 36, and inserting in lieu thereof the following to be known as Section 2 thereof:

"Section 2. The inhabitants of the City of Dover within the boundaries defined in Section 1 of this Act, or within the boundaries hereafter established, shall continue to be a body politic and corporate, by the name of "The City of Dover", and under that name shall have perpetual succession; may have and use a corporate seal; may sue and be sued; may hold and acquire by purchase, gift, devise, lease or condemnation, real property and personal property within or without its boundaries for any municipal purpose, in fee simple or lesser estate or interest, and may sell, lease, hold, manage, and control such property as its interest may require; and shall have all other powers and functions requisite or appropriate for the government of the City, its peace and order, its sanitation, appearance and beauty, the health, safety, convenience, comfort and well-being of its population, and the protection and preservation of property, public and private.

Whenever it shall be necessary for any municipal purpose to condemn any real property or personal property under this charter, except as is herein otherwise specifically provided, the procedure shall be as follows, to wit:

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The Council shall, by a majority vote, adopt a resolution favorable to the acquisition of such real property or personal property, as the case may be, giving a sufficient description of such property, whether real or personal, as shall identify said property and as shall determine the amount of the property proposed to be taken. The said resolution shall also state the day, hour and place when the said Council will sit to hear objections and to award just and reasonable compensation to any one who will be deprived of property. A copy of such resolution shall be posted in five or more public places in the City at least five days before the day fixed for the hearing aforesaid.

At the time and place fixed in the said resolution, said Council shall hear such residents of the City or owners of the property affected as shall attend, and shall at said meeting, or at a subsequent day, as they shall deem proper, adopt a resolution by a majority vote to proceed with or to abandon, the proposed acquisition of the property mentioned in the original resolution, as they shall deem for the best interest of the said City. And in case the determination of the said Council shall be to proceed with the plan contemplated by the resolution first aforesaid, they shall also award just and reasonable compensation to anyone who will be deprived of property in consequence thereof. Such compensation, if any be awarded, shall be paid by the Treasurer of the City, on a warrant drawn on him by authority of the Council aforesaid. If anyone who will be deprived of property as aforesaid be dissatisfied with the compensation awarded by the Council aforesaid, he may within five days after the award of the Council, as aforesaid, appeal from such award by serving written notice to that effect on the City Manager. In order to prosecute said appeal such appellant shall, within five days after the expiration of the five days allowed for the appeal as aforesaid, apply to the judge of the Superior Court for the State of Delaware resident in Kent County, or in his absence at said time, to the Chief Justice of the said Court, for the appointment of freeholders to hear and determine the matter of compensation to such appellant for any property of which he will be deprived as aforesaid, and thereupon the said Judge or Chief Justice, as the case may be, shall issue a commission under his hand directed to

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five impartial freeholders of Kent County commanding them to determine and fix the damages which the said appellant will sustain by reason of being deprived of any property as aforesaid, taking into consideration the benefits or advantages that will enure to the said appellant, and to make return of their findings to the said Judge or Chief Justice, as the case may be, at a time therein appointed. The said freeholders shall give notice of the day, hour and place when they will meet to view the premises and to assess the damages, if any, as aforesaid. Such notice shall be served upon the appellant personally, or by posting a copy on the premises affected at least five days before the day when they are to view the premises as aforesaid and a copy of such notice shall also be served on the City Manager at least five days before the day of such meeting.

The freeholders named in such commission, being first sworn or affirmed, on the day and at the hour and place stated in the notice aforesaid, shall view the premises and hear the appellant and his witnesses and the Council and their witnesses, and shall without delay, determine and fix the damages, if any, which the said appellant will sustain by reason of being deprived of any property as aforesaid. Thereupon and without delay the said freeholders shall make return in writing of their proceedings in the premises to the said Judge or Chief Justice, as the case may be, who shall cause the said return to be delivered to the said City Manager and such return shall be final and conclusive. The said Judge or Chief Justice shall have power to fill any vacancy among the freeholders. The amount of damages being ascertained as aforesaid, the said Council may pay or tender the same to the person or persons entitled thereto, within one month after the same shall be finally ascertained, or may deposit the same to his or her credit in any bank in the City to the credit of the person or persons entitled thereto within the said period of one month, and thereupon the said Council may carry into effect the plan contemplated in their resolutions aforesaid. In the ascertainment and assessment of damages by the freeholders appointed by the Judge or Chief Justice aforesaid, if the damages shall be increased, the costs of the appeal shall be paid by the Treasurer of the City out of any money in his hands

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belonging to the City, but if said damages shall not be increased the costs of the appeal shall be paid by the party appealing. The fees to the freeholders shall be five dollars per day to each, which shall be taxed as part of the costs."

Approved April 1, 1935.

CHAPTER 160

FRANKFORD

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF FRANKFORD," BEING CHAPTER 438, VOLUME 22, LAWS OF DELAWARE, RELATING TO THE COLLECTOR OF TAXES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all members elected to each House concurring):

Section 1. That Chapter 438, Volume 22, Laws of Delaware, be and the same is hereby amended by adding a new section thereto to be styled as Section 30:

"Section 30. The Collector of Taxes, or if there be none elected in said year, the Treasurer of said Town, immediately after receiving the list containing the names of the taxables, as well the owners of real estate, as those not owning real estate, and opposite the name of each the amount of real estate, his poll and assessable personal property, and the taxes on the whole valuation and assessment and the rate per One Hundred Dollars (\$100.00), shall in addition to the powers already vested in him, shall have the same powers as are given by law to the Collectors of Taxes for Sussex County."

Approved April 18, 1935.

CHAPTER 161

FREDERICA

AN ACT TO REPEAL CHAPTER 132 OF VOLUME 32, LAWS OF DELAWARE, ENTITLED "AN ACT AUTHORIZING THE TOWN COMMISSIONERS OF FREDERICA TO BORROW FIFTEEN THOUSAND DOLLARS, AND TO ISSUE BONDS THEREFOR, FOR THE PURPOSE OF ACQUIRING IN ANY MANNER AND ESTABLISHING AND MAINTAINING A WATER PLANT FOR THE TOWN OF FREDERICA."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch of the Legislature concurring therein):

Section 1. That Chapter 132 of Volume 32 of the Laws of Delaware be and the same is hereby repealed.

Approved February 6, 1935.

CHAPTER 162

FREDERICA

AN ACT AUTHORIZING THE TOWN COMMISSIONERS OF FREDERICA TO BORROW FIFTEEN THOUSAND DOLLARS, AND TO ISSUE BONDS THEREFOR, FOR THE PURPOSE OF ACQUIRING IN ANY MANNER AND ESTABLISHING AND MAINTAINING A WATER PLANT FOR THE TOWN OF FREDERICA.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch of the Legislature concurring therein):

Section 1. That the Town Commissioners of Frederica are hereby authorized and empowered to borrow on the credit of said Town a sum of money not exceeding Fifteen Thousand Dollars to be used for the purpose of acquiring in any manner and establishing and maintaining a water plant for the said Town of Frederica.

Section 2. That the Town Commissioners of Frederica for the purpose set forth in Section 1 of this Act shall have full power and authority to issue bonds of the said Town of Frederica to be known as "Frederica Water Bonds" to an amount not exceeding Fifteen Thousand Dollars.

Section 3. The denomination of said bonds shall be as determined by the said Town Commissioners of Frederica, and shall be numbered consecutively, beginning with Number One, and shall bear interest at a rate not exceeding six per centum per annum, payable on the first days of January and July in each and every year at such Bank or Trust Company as the said Town Commissioners of Frederica shall designate on the presentation of the coupons attached to said Bonds, representing said semi-annual interest.

Section 4. Said bonds shall bear date on the first day of July or the first day of January in the year in which the same shall be issued, and the principal thereof shall be payable at such Bank or

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Trust Company as the said Town Commissioners of Frederica shall designate at the expiration of thirty years from their date, and the said Bonds, or any of them, may be redeemed at the option of the said Town Commissioners of Frederica at par and accrued interest, at any interest period at the expiration of ten years from the date of said Bonds; provided, however, that if the Town Commissioners of Frederica shall at any time, after the expiration of ten years from the date of said Bonds, elect to redeem any thereof, such redemption shall be made in pursuance of notice signed by the President of the said Town Commissioners of Frederica, and by the Treasurer thereof, published once a week for two consecutive weeks in two newspapers published in the Town of Dover. Such notice shall indicate the Bonds called, and in making such calls the Corporation shall call the Bonds according to their number, beginning with the lowest number, and the interest on any of the said Bonds shall cease from the date named in any of said calls for redemption.

Section 5. The Town Commissioners of Frederica shall direct and effect the preparation, printing and sale of said Bonds authorized by this Act at such time and times, and on such terms as they may deem expedient, and all moneys arising from such sale shall be applied to carry into effect the provisions of this Act.

Section 6. The form of said Bonds, with the coupons thereto attached, shall be prescribed by the Town Commissioners of Frederica, and they shall be signed by the President of the Town Commissioners of Frederica and by the Treasurer of said Town, and sealed with the corporate seal of said Corporation, and shall be exempt from State, County and Municipal taxes. As said Bonds and coupons thereto attached shall be paid the same shall be cancelled as the said Town Commissioners of Frederica shall direct.

Section 7. The said Town Commissioners of Frederica is hereby authorized and required to levy and raise from taxation, in each year, upon all assessable real estate in said Town, a sum of money sufficient to pay all interest accruing on said Bonds, or any of them, whilst any of them shall remain unpaid; and the said

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Town Commissioners of Frederica are further authorized and empowered to levy and raise from taxation from time to time such sum or sums as said Town Commissioners of Frederica shall deem proper to establish a Sinking Fund adequate for the redemption of said Bonds at or before their maturity, such taxes shall be in excess of, and in addition to the sum or amount authorized to be raised by said Town Commissioners of Frederica by any other Act; and shall be levied and raised upon assessable real estate in said Town.

Section 8. The Bonds authorized by this Act may be issued at one time and in one series, or at different times and in different series, as the Town Commissioners of Frederica shall determine, and the authority to issue and sell any Bonds, or number of Bonds, under this Act shall not be deemed to be exhausted until the aggregate of the amount of Bonds issued under this Act shall be Fifteen Thousand Dollars.

Section 9. The faith and credit of the said Town Commissioners of Frederica is hereby pledged for the payment of all the Bonds that may be issued under the provisions of this Act.

Section 10. That before any Bonds shall be issued under the provisions of this Act, a special election shall be held in the same place and in the same manner as other Town elections. Notice of said election shall be given by posting notices in at least ten public places in said Town, at least ten days before said election, which said notices shall state the time and place of the election and the amount of Bonds proposed to be issued and the purpose for which said money is to be borrowed. At said election every taxable paying Town Taxes in the said Town shall be entitled to vote and shall have one vote for each One Dollar, or fractional part of One Dollar of taxes paid by such taxable according to the last assessment in said Town and for the purposes of this election, residence shall not be a qualification to voting in the said Town. At said election the ballots used shall have written or printed thereon the words "For the Bond Issue" or the words "Against the Bond Issue." If at such election a majority of the votes cast shall be for the Bond Issue, then Bonds to the amount voted on, and not exceeding the

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aggregate Fifteen Thousand Dollars, may be issued as in this Act provided. But if, at such election, the majority shall be against the Bond Issue, then no Bonds shall be issued nor money borrowed under this Act.

Section 11. The powers conferred in and by this Act shall continue in full force and effect without limitation as to the time when said powers, or any of them, shall be exercised or executed.

Approved February 6, 1935.

CHAPTER 163

FREDERICA

AN ACT TO REINCORPORATE THE TOWN OF FREDERICA.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch concurring therein):

Section 1. That the inhabitants of the Town of Frederica, Kent County, Delaware, be and they are hereby constituted a municipal corporation and body politic.

The name and style of the said corporation shall be "The Town of Frederica" by which name the said corporation may sue and be sued, plead and be impleaded, complain, answer and defend suits in all Courts of this State.

The said corporation shall have and use a common corporate seal of its own devising with power to alter and renew the same.

The said corporation may hold and acquire by purchase, gift, devise, lease or condemnation real property and personal property within or without its boundaries for any municipal purpose in fee simple and in lesser estate or interest, and may sell, lease, hold, manage and control such property as its interests may require; and shall have all other powers and functions requisite and appropriate for the government of the town, its people and order, its sanitation, appearance and beauty, the health, safety, convenience, comfort and well being of its population and the protection and preservation of property, public or private.

The enumeration of particular powers by this charter shall not be held or deemed to be exclusive but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, and it is intended that the Town of Frederica shall have and may exercise all powers which, under the constitution of the

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State of Delaware, it would be competent for this charter specifically to enumerate. All powers of the Town of Frederica held, expressed or implied, shall be exercised in the manner prescribed by this charter, or if not prescribed herein then in the manner provided by ordinance or resolution of the Council.

Section 2. The boundaries of the said corporation shall be as follows:

Beginning at the fork or point formed by the junction of Murderkill River or Spring Creek and running from thence with Spring Creek to the line dividing the lands now or late of the heirs of Robert I. Lober, deceased, and lands now or late of the heirs of Samuel W. Darby; thence running in a westerly direction to a point opposite the dividing line between lands now or late of Thomas D. Burton and lands now or late of Mrs. Sarah H. Lister; thence running with said division line to a point in the lands now or late of Robert C. Stevenson opposite the draw bridge; thence in a straight line to the draw bridge and thence following the course of the Murderkill River to the place of beginning.

The Town Council of the Town of Frederica is hereby authorized to have a survey made of all the territory embraced within the corporate limits of the said Town of Frederica which survey shall show all roads, streets, lanes and alleys within the limits of the said Town and to cause a copy of the same to be recorded in the office of the Recorder of Deeds at Dover, and the copy thereof so recorded in the Recorder of Deeds Office at Dover shall be received as evidence in all the Courts of this State.

Section 3. The government of the said Town of Frederica shall be vested in a Mayor and Town Council which shall exercise all of the powers conferred by any of the provisions of this charter, except as otherwise provided herein.

The Town Council shall consist of five members and shall constitute the legislative body of the said Town of Frederica.

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The Town Council in addition to the powers hereinbefore conferred shall have power to regulate the streets, lanes, alleys and sidewalks of the said Town, and direct the sidewalks, or such part thereof, as they may determine to be paved or otherwise improved at the expense of the owner of the property adjacent thereto; on complaint of any citizen to examine any chimney, stove pipe, fixtures, or any other matter or object dangerous to the Town or to the welfare of the citizens and property of said Town, and if adjudged dangerous to cause and require the same to be repaired and remedied, or, if necessary, to be removed; to prevent or remove nuisances in said Town; to prohibit the firing of guns and pistols, the making of bonfires or setting off of fireworks or any dangerous sport; and to suppress and prevent any noisy and turbulent assemblage of persons within the said Town.

Section 4. The members of the Town Council shall be residents of said Town and shall be freeholders therein. They shall serve for a term of two years next after their election and qualification. There shall be an election held at the Town Hall in said Town on the first Monday of March, A. D. 1936, and on the same day in each year thereafter from the hours of two o'clock P. M. until four o'clock P. M. for the election of five members of the Council to serve and to constitute the Town Council of the Town of Frederica. At the election held in the year 1936 two members shall be elected to serve for the term of two years and at the election on the first Monday of March, 1937, three members of the Town Council shall be elected for a full term of two years. On and after the first Monday in March, 1937, all members of the Council shall be elected to serve for a full term of two years. In the event that the Town Hall is not available for the holding of town elections during any year then Council shall designate a place within said Town for the holding of said annual election by giving at least ten days' notice of such place of election posted in at least five of the most public places in said Town. At any annual or special election within said Town every person resident in said Town above the age of twenty-one years who shall not be delinquent in the payment of any taxes assessed against such voter and who has resided in the said Town for at least six months prior to the

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holding of such election shall be entitled to vote. All elections under the provisions of this charter shall be held by two persons designated by the Council of the Town of Frederica to hold said election and it shall be the duty of such persons so designated to hold said election on the day and between the hours designated and to keep an accurate record of the vote cast and report and certify the same to the Council at its next meeting. In the event that the first Monday of March in any year should fall on a holiday then such election shall be held on the Tuesday next following.

The Town Commissioners of the Town of Frederica as now constituted shall continue in office until the first Thursday of March, 1935. On the first Thursday in the month of March, 1935, and on the first Thursday of March of each year thereafter the members who shall have been elected to the Town Council of the said Town of Frederica, as well as the hold over members of said Town Council, shall meet in the Town Hall, or such other place as shall be designated, for the purpose of organizing by the election of officers and such other business as may come before such meeting. Such meeting shall be known as the annual meeting of the Town Council. At the annual meeting one of the members of the Town Council shall be designated and elected by the members of the Council as and for the Mayor of the Town of Frederica.

Section 5. In addition to the annual meeting, there shall be four regular meetings in each year of the Town Council; namely: On the first Thursday of January, April, July and October, and special meetings may be held at such times as the matters of the Town shall require. It shall be the duty of the Mayor of the Town of Frederica, or in his absence it shall be the duty of the Secretary of the Town of Frederica to call a special meeting of the Council at any time, first giving reasonable notice thereof upon the application of at least two members of the Council of the Town of Frederica. At any regular or special meeting the Council may pass upon such ordinances, resolutions or matters affecting the good government and requirements of the said Town, the improvement of the streets, lanes and alleys, the paving or other improvements of the streets, lanes, or alleys and all other matters relating to the

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said Town, its sanitation, ornaments, improvement and general welfare, as by said Commissioners may be deemed proper. The Council may by ordinance impose fines, penalties and forfeitures for the violation of any of the ordinances of the Town and may provide for the collection thereof.

Section 6. The Council shall, at the annual meeting in every year, determine the amount of tax to be raised in said town for that year, not exceeding Twenty-five Hundred Dollars (\$2500.00), exclusive of the dog tax, and shall appoint an assessor to make an assessment of persons and property therein, and shall also appoint a Collector and Treasurer. It shall be the duty of the Assessor of said town, within two weeks from his appointment to make a true, just and impartial valuation and assessment of all the real estate and assessable personal property within said town, and also an assessment of all citizens residing in said town, above the age of twenty-one years, as well those owning real estate as those not owning real estate in said town, and also to ascertain the number of dogs in said town and the owners of such dogs, assessing each dog to the owner thereof at fifty cents; and the said Assessor shall forthwith, after making such assessment, deliver to the Council for the time being a copy of such assessment, containing the names of all the persons assessed and the amount of their assessment, distinguishing the real and personal assessment of each. When the assessment is returned, the Council shall give five days public notice of that fact, and that it will sit, at a place and on a day to be by it designated, from two till four o'clock in the afternoon, to hear appeals from said assessment. It shall have power at such time to add to or lessen any assessment, except that of dogs, which shall always be fifty cents to each owner or keeper of each dog. When the appeal day has passed, the Council shall, without delay, cause the assessment list to be transcribed and the copy to be delivered to the Collector, who shall thereupon collect from each taxable the amount of his tax and pay over the whole amount, after deducting commissions and such delinquencies as shall be allowed by the Council, to the Treasurer, by the first day of November next after the receipt of his duplicate. The Collector shall have the same powers for the collection of said taxes as are conferred by

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law on the collectors of county taxes. The Treasurer and Collector shall each give bond to the Council for the proper discharge of their respective duties.

Section 7. The Council shall have authority to use the money in the Treasury of the town for the general improvement, benefit and ornament of the said town, as it may deem advisable; but no money shall be paid out by the Treasurer except upon the approval of the Town Council or upon a written order of an officer designated by the Council to approve such payment.

Section 8. Whenever Council shall by ordinance or resolution direct the paving or improving of the sidewalks of the said town, or any part thereof, the Clerk of the Council shall immediately give notice to the owners of the property abutting thereon by serving such notice personally on the owner or owners thereof, if such person or owner shall be resident in the Town of Frederica; otherwise, it shall be sufficient notice if the Clerk shall post a notice on the property or properties affected by nailing or otherwise attaching such notice upon a conspicuous place on the said property affected or at the front door of the main building if such lands be improved. If such ordinance or resolution be not complied with within three months, the Council may direct the work to be done and the expenses of the same shall become a charge against the owner or owners of the property affected. The Council may on ten days' notice by advertisements posted at five of the most public places within said town sell any personal property or any of the real estate of the party or parties in default as shall be necessary to pay the expenses, together with costs, of such proceeding resulting from the improvements so made. Such sale shall be at public auction and notice of said sale shall be served on the owner or owners of the said property affected if they be resident within the corporate limits of said town. Otherwise, notice shall be served by posting a copy of the advertisement of said sale at the front door of the main building located on the lands affected if the same be improved, or upon a conspicuous part of such lands if the same are unimproved, and notice shall be sent to the owner or owners or to any of them, if known, by registered mail, addressed to the

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last known post office address of such owner or owners or any of them. Such sale shall transfer all the right and title of the person or persons in default in the property sold to the purchaser or purchasers thereof and the Mayor of the Town of Frederica is hereby authorized to execute under the seal of the corporation a deed or deeds conveying title to the lands and premises sold under the provisions hereof. The proceeds of such sale shall be paid to the Treasurer for the use of the town, but if there be any surplus after the payment of the claim, together with all costs and expenses for which the sale was made, such surplus shall be paid to the party or parties in default if known, or if unknown such surplus shall be deposited in a depository to be designated by the Council of the Town of Frederica to be there held until sufficient proof of the identity of the parties entitled shall have been established.

Section 9. At the annual meeting the Council shall elect an Alderman for the term of one year or until his successor has been duly chosen and qualified.

The Alderman may be removed during his term by a vote of three-fourths of the members elected to the Council.

In case of temporary disability of the Alderman to perform his duties by reason of sickness or absence, or otherwise, the said Council may at any meeting appoint an acting Alderman for the period of said disability.

Before entering upon the duties of his office, the Alderman shall be sworn or affirmed to perform the duties of his office with fidelity.

The Alderman shall have jurisdiction and cognizance of all breaches of the peace and other offenses committed in the Town so far as to arrest and hold for bail, or fine and imprison offenders; and also of all fines, penalties and forfeitures prescribed by this charter or any law of the State or by any ordinance of the Council and also of all neglects, omissions or defaults of any member of the Town police force or other city officer or employee, provided that

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in the case of a violation of an ordinance, he shall impose no fine or penalty in excess of that fixed by the ordinance and shall not commit to prison for a longer term than thirty days in default in the payment of a fine imposed by him. The jail of Kent County may be used for imprisonment under the provisions of this Act provided that the Council shall pay for the board of persons committed for breaches of ordinances that do not constitute breaches of the general law. Within his jurisdiction as aforesaid the Alderman shall have all the powers and authority of a Justice of the Peace for Kent County.

Any action, suit or proceeding authorized under any of the provisions of this charter or under any ordinance of said Town may be instituted in the name of "The Town of Frederica."

His fees for any service under this Section shall be the same as those of a Justice of the Peace for like service, and for any service or duty for which no fee may be provided by law the fee may be established by ordinance of the Council.

Upon the expiration of the term for which he was chosen, or if any Alderman shall be removed from his office by the Council as hereinbefore provided, he shall deliver to his successor all the books and papers belonging to his office, and shall pay over to the Town Treasurer all moneys in his hands belonging to the Town within five days after his removal. Upon neglect or failure to make such delivery or payment, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be fined not more than Five Hundred Dollars, or be imprisoned in the discretion of the Court.

The Alderman shall, at the monthly meeting of the Council, report to the Council all fines imposed by him during the preceding month, and pay to the Treasurer of the Town all such fines and penalties received by him during the said time, and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made and such fines and penalties should be paid as aforesaid, he shall be deemed guilty

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of a misdemeanor, and upon conviction thereof shall be fined not less than One Hundred Dollars nor more than Five Hundred Dollars.

Section 10. The Town Council of the Town of Frederica shall have the right to lay out, open, vacate and close any street, lane or alley within the corporate limits of the said Town whenever Council shall deem such to be advisable and for the best interest of the town; provided, that no street, lane or alley shall be opened, vacated or closed without giving due notice to the property owners abutting on such street, lane or alley to appear and show cause if any they have why such street should not be opened, vacated or closed and if it shall appear from such hearing that such proposal would be inadvisable then the Council shall abandon such proceeding. If it be determined that such proceedings are advisable and that any person or persons will suffer damages to any property or properties as a result of such actions Council shall assess and determine the extent of such damages and shall pay such damages to the person or persons so affected before entering upon such lands or premises so affected. In the event that the owner or owners of the property affected and the Council cannot agree upon damages, then and in that event such owner or owners shall appoint one disinterested person, the Council shall appoint another disinterested person, and the persons so designated shall appoint a third disinterested person who shall go upon the lands and premises affected and shall assess the damages to such person or persons or the owner thereof and upon the determination and award by the disinterested persons such findings shall be final and conclusive and it shall be the duty of the Council of the Town of Frederica to pay such award or damages within thirty days next after the awarding of the same or else to abandon such proposed change.

Section 11. At the annual meeting of the Town Council the Council shall elect a Treasurer for the Town of Frederica. The Treasurer may or may not be a member of the Council. He may also serve as Secretary of the Council. It shall be the duty of the Treasurer to receive all moneys due the Town of Frederica from the Collector of Taxes, and from any other source or sources, to

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keep the same deposited in a depository to be designated by the Council, and to pay such charges or claims against the Town as the Council or the Mayor shall from time to time designate and direct. He shall account at each regular meeting of the Council, and more often if required, showing in detail the receipts and disbursements of the Town funds. Before entering upon his duties the Treasurer shall be first sworn to diligently and faithfully perform the duties of his office, and shall enter into bond to the Town of Frederica with surety to be approved by the Council in such amount as the Council shall designate to faithfully and diligently perform the duties of incumbent upon him as Treasurer of the Town of Frederica and a true and correct accountancy to make of all the moneys received by him as Treasurer of said Town of Frederica. The cost of the bond shall be paid by The Town of Frederica.

Section 12. At the annual meeting of the Town Council the Council shall elect a Collector of Taxes whose duties it shall be to collect all taxes which shall be assessed pursuant to the provisions of this charter, including dog taxes. He shall make a monthly accounting to the Treasurer of said Town and shall pay over to said Treasurer such sums as from said accounting shall be found due the said Town. The Treasurer shall give receipts for the money so paid. Before entering upon his duties the Collector shall be sworn or affirmed to diligently and impartially perform the duties of his office. He shall also enter into a bond to The Town of Frederica in such sum as The Council shall designate to faithfully perform the duties of his office and to make a just accounting of all moneys received by him for the said Town of Frederica and to pay over to the said Town of Frederica all moneys received by or charged to him as such Collector. The cost of the bond shall be paid by the Town of Frederica. The Collector shall at no time be a member of the Council while serving as Collector. The Council shall fix the compensation of the Collector. The Collector shall be charged with the full amount of the tax debit received by him, and it shall be his duty to collect the same; provided, however, that The Council may for cause shown, permit the allowance of any delinquencies as the Council may deem proper. At the regular

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meeting of the Council held during the month of March of each year, the Collector shall make a detailed report of all moneys collected and a list of those owing taxes not received and collected by him.

A penalty of one per centum per month, or fractional part thereof, shall be charged on all taxes remaining unpaid after October 31 of each year, and it shall be the duty of the Collector to collect such penalties in addition to the regular tax.

Section 13. The Council shall have the power and authority to enter into contracts for the supply of electrical energy and power for municipal uses, and shall have the authority to contract for the purchase and resale of electrical energy and power to the residents of The Town of Frederica.

The Council shall have the power and authority to employ such person or persons as shall be required from time to time by the Town and shall fix the compensation of such employees.

The Council shall elect one or more persons to serve as police officers for and on behalf of The Town and shall fix their compensation. Such police officers shall be under the direction of the Mayor of the Town except as Council shall otherwise direct. It shall be the duty of such officers to police the Town of Frederica and they shall have all the powers of the Constables of Kent County within the Town limits and within one mile adjacent to the corporate limits of said Town.

Section 14. The Mayor of the Town of Frederica shall be a member of the Town Council and shall preside at all meetings thereof, unless through absence or disability he is unable to do so, or unless the Mayor be personally interested in the matter before the meeting, in which events, or either of them, the other members of The Council shall designate one of their number to preside. The Mayor shall be the executive officer of the Town. He shall execute all legal instruments on behalf of the Town, and shall have such other duties as the Council by ordinance or resolution shall impose.

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He shall have general supervision over the police and over all employees of the Town, and shall have the right to hire or dismiss any employee, except the Treasurer, the Collector of Taxes, the Alderman and the Town Solicitor.

Section 15. The Council shall designate one of their members as Secretary whose duty it shall be to keep an accurate record of all meetings, and of all matters relating to the Town as shall come to him. The Secretary may or may not be the Treasurer of the Town. He shall keep the corporate seal of the Town and shall affix the same to all instruments requiring the same upon resolution of the Council authorizing and directing him to do so. The records of the Secretary shall be received in evidence.

Section 16. The Council shall have the power to borrow in any one year a sum not in excess of Five Hundred Dollars (\$500.00) and to anticipate current revenue by such sum so borrowed whenever the needs of the Town shall require more money than is at the time in the Town Treasury from current receipts.

Section 17. Council shall have the power to exempt from municipal taxation for a period not in excess of ten consecutive years any property otherwise subject to municipal taxes, and which property is being used in any new industrial enterprise within said Town.

Section 18. No compensation shall be paid members of Council except as otherwise herein provided unless the same shall be first approved at the annual or at a special election of the voters qualified to vote at the municipal elections of said Town.

Section 19. The Council shall have the power to condemn any property real or personal within the Town limits as shall be necessary for municipal purposes. The procedure thereof shall be the same as that for the laying out of streets as set out in Section 10 hereof; provided, however, that if the damages sustained by any party interested shall exceed One Thousand Dollars (\$1000.00), and such party shall be dissatisfied with the award made under Sec-

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tion 10 hereof, such party may file an appeal with the resident associate Judge of Kent County whose duty it shall be to appoint five disinterested freeholders of Kent County to view the property and assess the damages sustained by said party. The resident associate Judge of Kent County shall make such rules and orders as he may deem proper in carrying this provision into effect and shall assess the costs thereof as he shall deem proper. Where real estate is involved a copy of the final award and the approval thereof by the resident associate Judge of Kent County shall be recorded in the office of the Recorder of Deeds for Kent County. Upon the making of such award the Council of the Town of Frederica shall by Resolution determine upon the acceptance thereof, and if the award be accepted shall pay to the party to whom the award is made the full sum thereof within sixty days of such award. Otherwise the project shall be abandoned.

Section 20. Council shall have the power to adopt zoning ordinances, and all measures requisite or appropriate for protection against fire, and to appropriate money for the purpose of acquiring fire equipment whether owned by the Town or by a volunteer fire company.

Section 21. The Council shall have power to enact ordinances defining nuisances and providing for the removal or abatement thereof, and prescribing the fines, penalties and forfeitures for causing or continuing the same.

Section 22. At the annual meeting the Council shall elect a Town Solicitor for the term of one year or until his successor has been duly chosen and qualified. The Solicitor shall be an attorney at law who shall have practiced in the State of Delaware for at least five years and who shall be a resident of Kent County. He shall be the chief legal advisor of and attorney for the Town. In addition to the duties hereby imposed upon the Solicitor by this charter the Council may by resolution or ordinance fix any other duty as shall from time to time be required by the Town or any of the officers of the Town. The Town Solicitor shall be paid a reasonable compensation for his services rendered.

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Section 23. All ordinances and resolutions heretofore adopted or in force in the Town of Frederica are continued in force and effect as ordinances and resolutions until repealed, attested or amended under the provisions of the charter, and the acts of the Commissioners of the Town of Frederica and of the officials of said Town heretofore lawfully done or performed under any prior charter of said Town of Frederica by whatever name designated, or under any ordinance of said Town, or of any law of this State, prior to the approval of this Act, are hereby ratified and confirmed.

Section 24. All taxes, fines, penalties, forfeitures, assessments and debts due the Town of Frederica at the time of the approval of this charter shall be deemed to be due the said Town of Frederica and the same shall remain unimpaired until paid.

Section 25. This Act shall become effective immediately upon the approval hereof.

Approved April 1, 1935.

CHAPTER 164

GEORGETOWN

AN ACT TO AMEND "AN ACT TO REINCORPORATE THE TOWN OF GEORGETOWN," BEING CHAPTER 238, VOLUME 26, LAWS OF DELAWARE.

Be it enacted by the Senate and the House of Representatives of the State of Delaware in General Assembly met:

Section 1. That section 2 of said Act be and the same hereby is amended by striking out the word "male" in the first line of the second paragraph of said Section 2 of said Act.

That said Section 2 of said Act be and the same hereby is further amended by adding the following paragraph at the end of said Section 2:

"At the town election in said town of Georgetown no person shall be voted for for Alderman, Commissioner, Assessor, Collector, Treasurer or Auditor whose name has not been filed with the Secretary of the Council of the town of Georgetown at least ten days before the date of holding said election. Any person desiring to be a candidate for any of said offices shall file his name designating the office for which he is a candidate with the Secretary of the Council at least ten days prior to the date of said election, and the said Town Council shall cause to be published in a newspaper published in said Town of Georgetown at least one week before said election a list of all the names nominated for any office to be voted for at said annual election, designating the office for which the several candidates have filed; and the said Town Council of Georgetown shall supply a sufficient number of ballots at said election on which shall be printed the names of all the candidates who have filed for any office to be voted for, in accordance with the provisions hereof. And the voter shall mark out the names of all candidates for whom he or she does not wish to vote. No vote shall be counted which may be cast for any of said officers whose name has not been regularly filed and printed upon the ballot pre-

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pared by the Council. Any voter may, however, prepare his or her own ballot, provided that such ballot shall contain only the names of candidates which have been filed with the Town Council, in accordance with these provisions."

Approved February 14, 1935.

CHAPTER 165

GEORGETOWN

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RE-IN-CORPORATE THE TOWN OF GEORGETOWN."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House thereof concurring):

Section 1. That Section 17, Chapter 238, Volume 26, Laws of Delaware be and the same is hereby amended by striking out the word "male" in the fifth line thereof after the word "white" and before the word "citizen" so that when amended said Section shall read as follows:

"Section 17. That the assessor of the town for the time being shall annually, on or before the first day of April, make a true, just and impartial valuation or assessment of all the real estate within said town, except as hereinbefore excepted, and also an assessment of all the white citizens residing in said town above the age of twenty-one years, as well those owning as those not owning real estate within its limits; and the said assessor shall forthwith, after making such assessment, deliver to the commissioners for the time being a duplicate containing the names of all the persons assessed and the amount of their assessment, distinguishing the real and personal assessments of each. The commissioners shall assess the real estate and person of the assessor. The commissioners shall, between the first and fifteenth days of April, cause a complete and full transcript of said duplicate to be hung in a public place in one hotel in said town, there to remain for the space of twenty days thereafter for public inspection; and the said commissioners shall, on the Wednesday next after the expiration of the said twenty days, hold a court of appeals, which shall continue open from nine o'clock A. M. until twelve N., and from two o'clock P. M. until five o'clock P. M., of the said day when they shall hear and determine appeals from said assessment. Notice of the hanging up of the list, and also, at the same time, notice of the time and place of hearing appeals, shall be given by notices posted in at least six public places in said town. The decision of the commissioners

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upon any appeals shall be final and conclusive. No commissioner shall sit upon his own appeal, but the same shall be heard and determined by the others.

After the valuation and assessment shall be examined and adjusted by the said commissioners, all taxes shall be levied, assessed and raised on the real estate, and persons thus valued and assessed in just and equal proportions and rates. The assessor, immediately after his election and before entering upon the duties of his office, shall be sworn or affirmed by some judge or justice of the peace, diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, and a certificate shall be made by the person administering the oath or affirmation, in the record book of the commissioners containing the certificate of the election of the alderman, commissioners, assessor, treasurer, collector, auditors aforesaid. The assessor shall receive a reasonable compensation to be determined by the commissioners."

Approved April 18, 1935.

CHAPTER 166

GREENWOOD

AN ACT AUTHORIZING THE TOWN OF GREENWOOD TO BORROW TWENTY-FIVE THOUSAND DOLLARS AND TO ISSUE BONDS THEREFOR, FOR THE PURPOSE OF REDEEMING AND REFUNDING CERTAIN OUTSTANDING BONDS OF THE TOWN OF GREENWOOD.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each Branch of the Legislature concurring therein):

Section 1. That the Town of Greenwood is hereby authorized and empowered to borrow on the faith and credit of the said Town of Greenwood, a sum of money not exceeding Twenty-five Thousand Dollars (\$25,000.00) to be used for the purpose of redeeming and refunding the outstanding bonds together with accrued interest thereon of the said Town of Greenwood.

Section 2. That the Town Council of the said Town of Greenwood for the purpose set forth in Section 1 of this Act, shall have full power and authority to issue bonds of the said Town of Greenwood to an amount not exceeding in the aggregate the sum of Twenty-five Thousand Dollars (\$25,000.00) to be known as the Town of Greenwood Refunding Bonds, series of 1935.

Section 3. The said bonds shall be issued in such denominations as the said Town Council of the Town of Greenwood may deem proper and shall be numbered consecutively, beginning with number one, and shall bear interest at a rate not exceeding four per centum per annum, payable on the 1st days of January and July in each and every year, at the Greenwood Trust Company at Greenwood, on the presentation of the coupons attached to said bonds, representing said semi-annual interest.

Section 4. Said bonds shall bear date on the 1st day of January or the 1st day of July in the year in which the same shall be

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issued, and the principal thereof shall be payable at the Greenwood Trust Company at Greenwood, at the expiration of 25 years from their date. The said bonds, or any of them, may be redeemed at the option of the said Town Council of the Town of Greenwood at par and accrued interest, at any interest period after the expiration of two years from the date of said bonds, provided, however, that if the Town Council, aforesaid, shall at any time after the expiration of two years from the date of said bonds elect to redeem any of said bonds, such redemption shall be made in pursuance of notice signed by the President of said Town Council, and by the Treasurer of said Town, published once a week for two consecutive weeks in a newspaper published in the City of Wilmington, and a newspaper published in the Town of Milford. Such notice shall indicate the bonds called and such bonds shall be called according to their number beginning with the lowest number, and the interest on the bonds so called shall cease from the date named for payment thereof.

Section 5. The Town Council of the Town of Greenwood shall direct and effect the preparation, printing and sale of said bonds authorized by this Act at such time or times and on such terms as it may deem expedient, and all the moneys arising from said sale shall be applied to carrying into effect the provisions of this Act.

Section 6. The form of said bonds, with coupons thereto attached, shall be prescribed by the Town Council of the Town of Greenwood and said bonds shall be signed by the President of the Town Council and by the Treasurer of said Town, and sealed with the corporate seal of said corporation, and shall be exempt from State, County and Municipal taxes. As said bonds and coupons thereto attached shall be paid the same shall be cancelled as the said Town Council shall direct.

Facsimile signatures of the President of the Town Council and of the Treasurer of the Town of Greenwood may be imprinted upon the coupons attached to said bonds in lieu of the respective signatures of the said President of the Town Council and Treasurer of the Town of Greenwood in their own original hand writing.

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Section 7. The said Town Council of the Town of Greenwood is hereby authorized and required to levy and raise by taxation in each year any sum of money that may be required to pay the interest accruing on said bonds or any of them, whilst any of said bonds remain unpaid. And the said Town Council is further authorized and required to levy and raise by taxation from time to time such sum or sums as said Town Council shall deem proper to establish a sinking fund adequate for the redemption of said bonds or any of them, at or before their maturity. Taxes for interest and sinking fund, as aforesaid, shall be levied and raised as taxes for general municipal purposes in the said Town are levied and raised and shall be in addition to the taxes raised for all or any other purposes.

Section 8. The Bonds authorized by this Act may be issued at one time or at different times, as the Town Council of the Town of Greenwood shall determine, and the authority to issue and sell any bonds or number of bonds under this Act shall not be deemed to be exhausted until the aggregate of the amount of bonds issued under this Act shall be Twenty-five Thousand Dollars.

Section 9. The faith and credit of the said Town of Greenwood are hereby pledged for the payment of all of the bonds that may be issued under the provisions of this Act.

Section 10. A statement appearing in the bonds issued under the provisions of this Act to the effect that the bonds have been duly authorized, shall be deemed and held to be conclusive evidence in favor of the holder of any of such bonds, that all the terms and conditions of this Act have been fully met and complied with.

Approved March 22, 1935.

CHAPTER 167

HARRINGTON

AN ACT CHANGING THE NAME OF "THE TOWN OF HARRINGTON" TO "THE CITY OF HARRINGTON" AND ESTABLISHING A CHARTER THEREFOR.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met: (two-thirds of all the members elected to each Branch thereof concurring therein):

NAME AND TERRITORIAL LIMITS

Section 1. The municipal corporation of the State of Delaware, now known as "The Town of Harrington", shall hereafter be known as "The City of Harrington."

The boundaries of the City of Harrington are hereby established and declared to be as follows:

BEGINNING at a point mid-way between the rails of the north bound track of the Delaware Railroad (said beginning point bears north six degrees east two thousand six hundred forty (2640) feet from a central point which central location point is mid-way between the rails of the said North bound track on a right angle line with the North side of the steel tower that supports the large water tank standing between the depot and freight house); thence running from said beginning at right angles with said railroad track north eight-four degrees West two thousand six hundred forty (2640) feet to a corner for said corporation near a public road on lands now or late of F. P. Billings; thence running a line parallel with the said Delaware road South six degrees West five thousand two hundred eighty (5280) feet to a corner on lands known as the Fleming land; thence running South eighty-four degrees East four thousand nine hundred twenty-one (4921) feet to the West line of the State Highway leading from Delmar to Dover; thence running with the West line of the said State Highway North twelve and three-quarter degrees East four hundred nine (409) feet to an angle; thence still continuing with the West line

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of the said Highway North fifteen degrees and fifty-five minutes East four thousand nine hundred forty-nine (4949) feet to a corner in the West line of the said Highway; thence running North eighty-four degrees West three thousand one hundred seventy-four (3174) feet to the place of beginning.

The Council may, at any time hereafter, cause a survey and plot to be made of said City, and the said plot, when made and approved by said Council, shall be recorded in the offices of the Recorder of Deeds, of the State of Delaware, in and for Kent County, and the same, or the record thereof, or a duly certified copy of said record, shall be evidence in all courts of law and equity in this State.

WARDS

Section 2. The City shall be divided into six wards: All the territory within the city limits lying south of the center of Liberty Street and east of the Delaware Railroad shall be the first ward; all the territory within the city limits lying north of the center of Liberty Street and east of the Delaware Railroad shall be the second ward; all the territory within the city limits lying west of the center of Dorman and Commerce Streets shall be known as the third ward; all the territory within the city limits lying north of the center of Liberty Street and east of the center of Dorman Street and west of the Delaware Railroad shall be the fourth ward; all the territory within the city limits lying south of the center of Liberty Street and north of the center of Clark Street and west of the Delaware Railroad and east of the center of Dorman Street until the said Dorman Street intersects with Commerce Street; then all that portion west of the center of Commerce Street until it intersects the center of Clark Street shall be the fifth ward; all that territory within the city limits lying south of the center of Clark Street and east of the center of Commerce Street and west of the Delaware Railroad shall be the sixth ward.

GENERAL POWERS

Section 3. (A) The inhabitants of the City of Harrington, within the boundaries defined herein, or as hereafter established,

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shall continue to be a body politic and corporate, by the name of "The City of Harrington", hereinafter called The City, and under that name shall have perpetual succession; may have and use a corporate seal; may sue and be sued; may hold and acquire by purchase, gift, devise, lease, or by condemnation real property and personal property within or without its boundaries for any municipal purposes, in fee simple or for lesser estate or interest, and may sell, lease, hold, manage and control such property as its interest may require; but no property owned by the City, the value of which in the opinion of the City Council equals or exceeds \$5,000 shall be sold or leased without the approval of a majority of the voters and taxables of the City at any general or special election called for that purpose.

In addition to any special powers herein granted the City shall have all other powers and functions requisite to or appropriate for the government of the City, its peace and order, its sanitation, beauty, the health, safety, convenience, comfort and well being of its population and the protection and preservation of property, public and private; and all actions, suits and proceedings shall be brought in the name of "The City of Harrington."

(B) The enumeration of particular powers by this Charter shall not be held to be exclusive, or to restrict in any manner the general powers conferred herein, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, it is intended that the City of Harrington shall have, and may exercise, all powers which, under the Constitution of the State of Delaware, it would be competent for this Charter specifically to enumerate. All powers of the City of Harrington whether expressed or implied, shall be exercised as prescribed by this charter, or, if not prescribed herein, by ordinance or resolution of the City Council.

STRUCTURE OF GOVERNMENT

Section 4. The government of the City and the exercise of all powers conferred by this Charter, except as otherwise provided herein shall be vested in a Mayor and a City Council. The City

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Council shall consist of six members. One of the members of the Council shall reside in that portion of the City known and described as first ward, one in that portion known as the second ward, one in that portion known as the third ward, one in that portion known as the fourth ward, one in that portion known as the fifth ward and one in that portion known as the sixth ward. No compensation shall be paid to Councilmen or to the Mayor.

ELECTIONS IN GENERAL

Section 5. (A) At the annual election held in the year 1936 there shall be elected four members of the Council, one from each of the following wards: one, three, five and six, in the manner following: one member from the first ward shall be elected for two years by the qualified voters of the City as defined in Section 6, Paragraph C of this Charter and who resides in the first ward, one member from the third ward shall be elected for two years by the qualified voters of the City as defined in Section 6, Paragraph C of this Charter and who resides in the third ward, one member from the fifth ward shall be elected for three years by the qualified voters of the City as defined in Section 6, Paragraph C of this Charter and who resides in the fifth ward; one member from the sixth ward shall be elected for three years by the qualified voters of the City as defined in Section 6, Paragraph C of this Charter and who resides in the sixth ward; and thereafter the successor of every member shall be elected from each of the six wards by the qualified voters as defined in Section 6, Paragraph C of this Charter, residing respectively in the several wards to serve for a term of three years.

(B) At the annual election held in the year 1936, the Mayor shall be elected to serve for the term of two years and thereafter his or her successor shall be elected for a term of two years.

(C) The Mayor and members of Council shall be citizens of the State of Delaware and residents and non-delinquent taxables of the City of Harrington and shall be above the age of twenty-one years.

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MANNER OF HOLDING ELECTIONS AND MAKING
NOMINATIONS

Section 6. (A) The annual municipal election shall be held on the second Tuesday in January in each year, from twelve (12) o'clock noon until four (4) o'clock in the afternoon, at such place as shall be determined by the Council, due notice of which shall be given by any advertisement printed in a newspaper published in the City and posted in three public places in each ward of the City, not less than ten days before the day of the annual Election.

(B) The Election shall be held under the supervision of an Election Board consisting of two citizens of the said City to be appointed by the Council at the last regular meeting preceding the annual election. The Election Board shall be Judges of the Election, and shall decide upon the legality of the votes offered.

(C) Every resident of the City who is over twenty-one years of age and who has resided in the City for at least six (6) months next preceding the day of election and who has been a resident of the ward wherein such vote is cast for thirty days or more next prior to the day of holding such election and who is not delinquent in respect of any tax levied by the City, shall be entitled to vote at said election.

(D) Upon the close of the Election, the votes shall be read and counted publicly, and the persons having the highest number of votes for each office shall be declared duly elected, and shall continue in office during the terms for which they are chosen, or until their successors are duly elected and qualified.

(E) The Election Board shall enter in a book to be provided for that purpose, a minute of the election containing the names of the persons chosen, shall subscribe the same, and shall give to the persons elected certificates of Election, which book, containing such minutes, shall be preserved by the Council and shall be evidence in any Court of law or equity. All ballots cast and the records of Election shall be preserved in the custody of the Election Board for the period of ten (10) days.

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(F) Any vacancy in the Election Board shall be filled by the electors present at the time of the annual election, by naming from the electors present such person or persons as shall be necessary to fill such vacancy.

(G) In event of a tie vote for any office, the election board shall determine the tie by lot.

(H) The Council shall call a meeting of the electors of the City to be held on the Friday evening preceding the annual election, due notice of the hour and place of which meeting shall be given by advertisement in a newspaper published in the City or a copy of the notice hung up in two public places for public information in each of the hereinbefore described wards not less than ten days prior thereto, for discussion of the affairs of the City. The meeting shall organize by the selection of a Chairman and a Secretary. Reports concerning the business of the City for the past year shall be read, as well as plans for improvements contemplated to be made. The meeting shall receive the names of all candidates nominated for offices of the City, but no member of Council from any ward shall be nominated except upon written petition signed by not less than ten (10) or more than twenty-five (25) qualified voters from the ward in which the nominee resides; and only such persons shall be voted for any office or submitted to the electors at the annual election whose names have been filed and received by the Secretary at said meeting. The Secretary of said meeting shall prepare and deliver to the Secretary of Council the names of all persons nominated at said meeting and the Council shall cause to be printed ballots and envelopes for use by the Electors at the annual election. The Council shall make rules and regulations concerning the voting.

ORGANIZATION OR ANNUAL MEETING OF
THE COUNCIL

Section 7. At 7:30 o'clock P. M. on the Wednesday following the annual election, the Mayor and Council shall meet at the Council Chamber and the newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their

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duties with fidelity. At this first Annual Meeting, the Council shall organize and thereafter shall hold meetings at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings may be called by the Mayor, and shall be called by him upon written request of three members of Council, and held as prescribed by ordinance or resolution; and all meetings, regular and special, shall be open to the public.

QUORUM

Section 8. A majority of the members elected to the Council shall constitute a quorum, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

RULES AND MINUTES OF COUNCIL

Section 9. The Council shall determine its own rules and order of business, and shall keep a journal of its proceedings and the Yeas and Nays shall be taken upon the passage of every ordinance and resolution, and shall be entered in the journal with the text of the ordinance or resolution.

VACANCIES

Section 10. In case of vacancy created in the Office of Mayor or Member of Council either by death, resignation, loss of residence in the City of Harrington, or otherwise, the Council shall fill such vacancy for the residue of the whole term; provided, however, if a vacancy shall be created in the office of Councilman, the unexpired term of which office shall be for more than one year, the Council shall appoint some suitable person to serve until the next annual election, at which time there shall be elected a suitable person to fill the unexpired term of said office.

OFFICERS

Section 11. (A) The Council shall by resolution at the annual meeting appoint by a majority vote a City Manager, Secre-

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tary, Treasurer, Alderman, Acting Alderman, Auditors, Board of Health, City Solicitor, Board of Assessors, Police Force, and such other officers, employees and agents of the city which by it may be deemed proper and necessary for the proper conduct and management of the City. Any officer may be removed at any time by the City Council for sufficient cause.

(B) The Council by ordinance shall fix the salaries and compensation of employees, officers and agents of the City, and the time and manner of his or her payment; which salaries or compensations shall not be increased during the terms of said office. No officer, employee or agent of the City shall in any form have, take, or receive from the City any compensation in any form in addition to the salary or compensation fixed by Council.

(C) The Council shall cause to be kept a full and complete record of all officers appointed and employees and agents hired by the City containing the names of such officers, employees, and agents, the dates and term of their appointment or employment, the salary or compensation and the date of the termination of the service.

MAYOR

(D) The Mayor shall be the executive of the City. He shall preside at meetings of the Council, but shall have no vote except in case of tie. He shall execute on behalf of the City all agreements, contracts, bonds, deeds, leases and other documents necessary to be executed. He shall countersign all orders, checks, or warrants, authorized by Council and drawn on the Treasurer for the payment of money; and shall have all and every power conferred and perform the duties imposed upon him by this Charter and the ordinances of the City.

CITY MANAGER

(E) The City Manager shall be neither the Mayor or member of Council. He may or may not be a resident of the City of Harrington at the time of his appointment, but before entering upon his duties he shall become a resident of the City and shall

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continue a bona fide resident thereof so long as he shall continue in office. He shall hold office for such term and at such compensation as Council may determine. He shall collect any and all taxes, assessments and liens which may be levied or assessed by Council; collect all bills due and owing the City for water or in any other manner, and shall also perform any other duties prescribed by the Council.

He shall recommend to Council the employment of such employees and agents of the City as in his judgment may be necessary for the proper and diligent performance by him of all of the above duties; and shall render to Council a monthly report of the condition of City affairs under his management together with such recommendations as he may deem proper, including budgeted or probable expenditures.

He shall render to Council on the first day of each and every month a true, accurate, and detailed account of all moneys collected or by him received in performance of his duties, and shall promptly turn over the same to the Treasurer of the City. He shall file with the City Council a bond with corporate surety in the sum of \$5,000 approved and paid for by Council, for the faithful performance of his duties.

SECRETARY

(F) The Secretary shall record all the proceedings of the Council and keep a correct journal of the same in a book to be provided for the purpose; and shall file and keep in a safe place the Seal of the City and all papers, and documents, relative to the affairs of the City, and deliver the same to his successor in office. The Secretary shall attest the seal of the City when authorized by Council and shall perform such duties and have such other powers as may be prescribed by ordinance. All records, books, papers, and documents in the custody of the Secretary shall be always open for the inspection of Council and the public under such regulations as Council may prescribe.

TREASURER

(G) The Treasurer shall be custodian of all the City funds

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and shall deposit them in banking institutions located in the City, as designated by the Council.

He shall pay out no money except upon check or warrant countersigned by the Mayor and authorized by the Council; shall keep a true, accurate and detailed account of all moneys received and of all moneys paid out by him; shall preserve all vouchers for moneys paid by him, and his books and accounts shall at all times be open to inspection by the Council; and he shall make such reports and at such times as the Council may direct. He shall file with the City Council a bond with corporate surety in the sum of \$5,000, approved and paid for by Council, for the faithful performance of his duties.

ALDERMAN

(H) The Alderman shall be sworn or affirmed to perform the duties of his office with fidelity. In his absence or disability, or otherwise, the Council, at any meeting, may appoint an acting Alderman. He shall have jurisdiction and cognizance of all breaches of the peace and other offenses committed within the limits of the City so far as to arrest and hold to bail, or fine and imprison offenders; of all fines, penalties, and forfeitures prescribed by this Charter, ordinances enacted hereunder, or any law of the State of Delaware conferring jurisdiction on the Alderman, of all neglects, omissions or defaults of any member of the police force, or other city officer, agent or employee; provided, that he shall impose no fine or penalty in excess of that fixed by the ordinance and shall not commit to prison for a longer term than thirty days. The jail of Kent County may be used for imprisonment under the provisions of this Charter, provided, that the Council shall pay for the board of persons committed for breaches of ordinances which are not breaches of the general law.

The Alderman also shall have jurisdiction in suits of civil nature, for the collection of taxes, recovery of amounts due and payable for the construction of sidewalks, curbs or pavement, expenses of abatement of nuisances, and all other matters which may arise in the proper government and control of the city under the provi-

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sions of this Charter; and within his jurisdiction he shall have all the powers and authority, and shall be subject to all the limitation of a Justice of the Peace of Kent County, except as herein otherwise provided; and his fees shall be the same as those of a Justice of Peace for like service. For any service or duty for which no fee is provided by law, such fee shall be established by ordinance.

Upon the expiration of his term of office, or upon resignation or removal from office, the Alderman shall forthwith deliver to his successor all books, papers, documents, and other things belonging or appertaining to his office, and shall pay over to the Treasurer all moneys in his hands belonging to the City. Upon neglect or failure to make such delivery or payment for the space of five (5) days, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than Five Hundred Dollars (\$500), or imprisonment for not more than one (1) year, or shall suffer both fine and imprisonment at the discretion of the Court.

At every regular monthly meeting of the Council, the Alderman shall report in writing all fines imposed by him, and all fines and penalties and other money received by him during the preceding month belonging to the City. He shall pay all such moneys to the Treasurer within ten (10) days after making report thereof to the Council; and for failure to make report to the Council, or for failure to make payment to the Treasurer for the space of ten (10) days, he shall be deemed guilty of misdemeanor, and shall be punished, upon conviction, as hereinabove provided.

The Alderman shall keep a docket in which all his official acts shall be entered, which shall be open to public inspection and examination at all times.

The Acting Alderman shall be a Justice of the Peace, residing in the City; shall keep a separate docket, and in the absence or inability of the Alderman shall have all the powers of the Alderman as herein provided.

AUDITORS

(1) The Auditors shall be residents and taxables of the City and it shall be their duty to audit the accounts of the City and all

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of its officers whose duty involves the collection, custody and payment of the moneys of the City. They shall audit the books of the Alderman and Acting Alderman and the records of all fines, penalties and costs imposed or collected by either of them pursuant to any judgment order or decree made. The Auditors on or before the 5th day of January next following their appointment shall make and deliver a detailed report of all and every of the accounts, records and books by them examined and audited, which report shall be printed in a newspaper published in the City. The Auditors in the performance of their duties shall have access to all records of Council and the officers of the City; and are authorized and empowered to employ such clerks or accountants as in their judgment may be necessary for the proper performance of their duties.

BOARD OF HEALTH

(J) The Board of Health shall consist of three members, one of whom shall be a practicing physician in the City. The Board shall serve for one year; shall have cognizance of the interests of life and health of the people of the City; shall report to the Council in writing whatever is deemed by the Board to be injurious to the health of the people of the City, and shall also make recommendations to Council of whatever may contribute to useful sanitary information.

CITY SOLICITOR

(K) At the annual meeting, the Council shall select a City Solicitor for the term of one year or until his successor shall have been duly chosen and qualified. The City Solicitor shall be a member of the Bar of Kent County. It shall be his duty to give legal advice to the Council and other officers of the City, and to perform other legal services as may be required of him by the Council.

POLICE

(L) It shall be the duty of the Council to appoint a Police Force consisting of a Chief and such number of subordinates as the Council may deem wise; and the Council shall from time to time

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make rules and regulations as may be necessary for the organization, government and control of the Police Force. The members of the Force shall be subject to the direction of the Council, and may be removed by the Council at any time. They shall preserve peace and order, and shall compel obedience within the City limits to the ordinances of the City and the laws of the State; and they shall have such other duties as the Council shall from time to time prescribe.

Each member of the Police Force shall be vested, within the City limits and within one mile outside of said limits, with all the powers and authority of a Constable of Kent County, and in the case of the pursuit of an offender, their power and authority shall extend to any part of the State of Delaware.

Every person sentenced to imprisonment by the Alderman shall be delivered by a member of the Police Force to the County Jail of Kent County, or lock-up of the City, to be there imprisoned for the term of the sentence. In case of an arrest at a time when the Alderman shall not be available to hear and determine the charge, the person arrested may be delivered to either the County jail, or the City lock-up, for imprisonment until such reasonable time thereafter as shall enable the Alderman or Acting Alderman to hear and determine the charge against such person.

It shall be the duty of the police to suppress riotous disorderly or turbulent assemblages of persons in the streets of the City, or the noisy conduct of any person in the same, and upon view of the above, or upon view of the violation of any ordinance of the City relating to the peace and good order thereof, the Police shall have the right and power to arrest without warrant and to take the offender before the Alderman or Acting Alderman, or Justice of the Peace for hearing.

CITY BUDGET

Section 12. Annually in each year, and not later than the first of March, the Council shall prepare a budget containing the financial plan for conducting the affairs of the City for the ensuing fiscal year. The fiscal year shall be from January to December.

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The budget shall contain the following information:

1. A detailed estimate showing the expenses of conducting each department and office of the City for the ensuing fiscal year.
2. The value of supplies and material on hand, together with the nature and kind of any machinery or other implements and the condition thereof.
3. The amount of the debt of the City, together with a schedule of maturities of bond issues.
4. A statement of the amount required for interest on the bonded debt, the amount necessary to pay any bond maturing during the year, and the amount required for the sinking fund.
5. An estimate of the amount of money to be received from taxes, and all other anticipated income of the City from any source or sources.

The Council shall, so far as possible adhere to the budget so adopted in the making of appropriations.

ASSESSORS AND ASSESSMENT OF TAXES

Section 13. There shall be two (2) assessors appointed by Council to make General Assessment and only one to make the scrap assessment. The assessors making general assessment shall be allowed not over \$75.00 each for the faithful performance of their duties. The assessor making the scrap assessment shall be entitled to not more than \$50.00. They shall be sworn or affirmed by a Justice of the Peace of the City or by the Alderman to perform their duties with fidelity and without favor. It shall be their duty to make a fair and impartial assessment of property and persons subject to taxation situate or residing within the territorial limits of the city.

1. In the year 1938 and every fourth year thereafter, there shall be made a true, just and impartial valuation and assessment

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of all the real property within the limits of the City and of all personal property subject to County taxation within the City (except farm lands to the extent that they are exempted by the provisions of this Charter), locating each parcel of real property by street and number, or other description, and also an assessment of all the male and female residents in the City above the age of twenty-one (21) years, whether owners or not owners of either real or personal property within its limits.

2. All assessment shall be made and completed by the Board of Assessors prior to the first day of March. The assessment made in the year 1938 and in every fourth year thereafter, shall be known as the General Assessment. In other years, there shall be made a scrap assessment, as hereinafter provided.

3. The scrap assessment shall value and assess all taxable real property and personal property in the City not already valued and assessed by the General Assessment then in force, and all improvements made upon said real property since said General Assessment and all male and female residents of the City above the age of twenty-one (21) years and not already assessed, and said assessment shall omit the names of those who have removed from the City or who have died. In the year that a scrap assessment is made, the General Assessment then in force as supplemented or modified by the scrap assessment, shall constitute the assessment for the year.

4. The assessors shall make and deliver to the Council as soon as the assessments are made such numbers of copies thereof as the Council shall direct.

5. The property of the several members of the Board of Assessors, real and personal, shall be assessed by the Council.

6. The Council shall, prior to the Fifteenth day of March in each year, cause a copy of the General Assessment, or scrap assessment as made in said year, to be hung up in two public places in the City, and there to remain for the space of ten (10) days for public information. Attached to said copies shall be a notice of

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the day, hour and place that the Council will sit as a Board of Revision and Appeal; and the notice of the hanging up of the copies of the assessment and places where the same are hung up and of the day, hour, and place when the Council will sit as a Board of Revision and Appeal shall be published in at least one issue of a newspaper published in the City.

7. At the time and place designated in the notice aforesaid, the Council shall sit as a Board of Revision and Appeal to correct and revise the assessment, and to hear appeals concerning the same. They shall have full power and authority to alter, revise, add to, and take from the said assessment. The decision of a majority of the Council shall be final and conclusive; and no member of Council shall sit on his own appeal.

8. The assessment as revised and adjusted by the Council, shall be the basis for the levy and collection of the taxes for the City.

9. The Council shall also have the right to levy and collect taxes upon all telephone, telegraph, power poles, or other erections of like character erected within the limits of the City, together with the wires and appliances thereto or thereon attached, that are not assessable and taxable, and to this end, may at any time direct the same to be included in or added to the City Assessment. In case the owner or lessee of such poles or erections shall refuse or neglect to pay the taxes that may be levied thereon, the said taxes may be collected by the Treasurer as in case of other taxes, and the Council shall have authority to cause the same to be removed.

10. No farm lands hereby included within the limits of the City of Harrington shall be subject to any City Tax unless the same shall be laid out as building lots and unless the same shall front upon some public street of the City of Harrington which shall be laid out and improved; and all farm lands within the aforesaid limits which shall be laid out as building lots and which shall front upon some public street of the City of Harrington laid out and improved shall be subject to be taxed to the depth of one hundred and fifty (150) feet from said street line for City purposes. Nor

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shall the farm buildings and personal property located on any such farm lands included within the limits of the City of Harrington, be subject to any City Tax.

11. The Council shall be sole judges of what lands are, and what lands are not "farm lands" within the meaning of this Charter.

12. The General Assessment made and in force under the Charter of the Town of Harrington and the amendments thereto, shall continue in force and effect until the next General Assessment to be made in the year 1938.

13. The Council shall determine and fix a rate of taxation which will produce approximately the amount of money necessary to defray the expenses of the City for the current year, including interest on bonded indebtedness and for redemption of maturing bonds and for maintenance of a sinking fund.

14. The limit of taxation for current expenses is that rate which by estimation will produce a sum not exceeding Twenty Thousand Dollars (\$20,000), but added thereto there shall also be fixed a rate which will produce an amount sufficient to provide for interest on bonds, the redemption thereof at their several maturities and to cover the sinking fund requirements.

COLLECTION OF TAXES

Section 14. In the month of April in each year, the Council shall deliver to the City Manager a list containing the names of taxables of the City, opposite the names of each the amount of his real property assessment, the amount of his personal property assessment and his poll assessment, and the tax upon the whole of his assessment, and the rate per hundred dollars. Attached to said tax list shall be a warrant, under the seal of the City of Harrington, signed by the Mayor and attested by the Secretary, commanding the City Manager to make collection of the taxes as stated and set forth in the tax list.

All taxes when and as collected by the City Manager shall be paid to the City Treasurer and all taxes shall be due and payable

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at and from the time of the delivery of the tax list to the City Manager. A discount shall be allowed by the City Manager of three per cent on every tax paid before the first day of May in each year; of 2 per cent on every tax paid before the first day of June in each year; of one per cent on every tax paid before the first day of July in each year and to every tax paid after the thirtieth day of September, no discount shall be allowed by the City Manager, and to every tax paid after the thirtieth day of September in each year, there shall be added and collected one per centum for every month or fraction of a month after the said thirtieth day of September that the said Tax remains unpaid. Before exercising any of the powers herein given for collection of taxes, notice shall be given to the taxable of the amount due.

The City Manager shall have the following powers for the collection of taxes:

(a) By distraint of the goods and chattels of the taxable.

(b) At any time after the delivery of the tax list and warrant the City Manager may, in the name of the City of Harrington, institute suit before any Justice of the Peace of the State of Delaware, in any of the counties of the State, or before the Alderman of the City, for the recovery of the unpaid tax, in any action of debt, and upon judgment obtained, may sue out writs of execution as in case of other judgments recovered before the Justice of the Peace.

The said execution shall constitute a lien upon all the personal property of the taxable within the County where the judgment shall have been obtained which by virtue of such execution, shall be levied upon within thirty (30) days after the issuance thereof, and such lien shall have priority over all other liens against the said personal property created or suffered by taxable, except such liens thereon, which may have been created in respect of County Taxes, although such other liens be of a date prior to the time of the attachment of said tax lien.

(c) At any time after the delivery of the tax list and warrant, the City Manager may notify in writing the person, firm or

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corporation by whom any taxable is employed, that the tax of said employee is due and unpaid. The notice shall be signed by the City Mayor and shall contain the correct names of the taxable as it appears upon the tax list, the amount of the tax due and the penalty added, if any; and thereupon it shall be the duty of the employer to take from the wage, salary, or other money then due the taxable the amount of the tax due and owing from the employee, and charge the same against him, and to pay the same to the City Manager within ten (10) days. The City Manager shall give to the employer a certificate of payment which shall be allowed in any suit or accounting between the employer and the taxable. If any employer, being notified as aforesaid, and having in his hands money belonging to the taxable, shall neglect or refuse to comply with the provisions hereof, such employer shall become personally liable for the amount of the tax of the persons as to whom notice was given and the amount thereof may be recovered from such employer in an action of debt before any Justice of Peace, or Alderman, as aforesaid. This process shall be deemed to be in the nature of a garnishment proceeding.

(d) The City Manager may make a complaint under oath before any Justice of the Peace residing in Harrington, or before the Alderman that the tax of any taxable is due and unpaid, and that he has been unable to make collection of a tax by any of the methods for the recovery of taxes prescribed in this Charter, and thereupon a warrant shall be issued for the arrest of such taxable, and if, after hearing, it shall be found that the tax of the person arrested is due and unpaid, and if the taxable shall thereupon fail to pay the tax, together with accrued costs, he shall be committed to the jail of Kent County, until the tax, penalty, cost and charges are paid, but not to exceed the term of thirty (30) days.

(e) In the event that the tax of any taxable cannot be collected by the processes hereinabove stated, the City Manager is empowered to sell the lands and tenements of a taxable, or the lands or tenements of a taxable alienated subsequent to the levy of the tax. The City Manager shall present to the Superior Court at the County wherein the lands and tenements are situated a petition in which shall be stated:

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- (1) The name of the taxable.
- (2) The year for which the tax was levied.
- (3) The rate of tax.
- (4) The total amount due.
- (5) The date from which the penalty for non-payment, if any, shall commence, and the rate of such penalty.
- (6) A short description of the lands and tenements proposed to be sold sufficient to identify the same.
- (7) A statement that a bill of said tax has been mailed to the taxable at his last known post office address and that it has been found impossible to collect the said tax by any of the other remedies as hereinabove provided. The petition shall be signed by the City Manager and shall be verified before a Notary Public.

The Court thereupon shall make an order for the sale of said lands and tenements returnable at the next succeeding term of said Court. Sales of lands and tenements shall be advertised by posting hand bills in at least five public places in the City of Harrington and by publishing the notice of said sale in a newspaper published in the City. The notices shall contain the day, hour, place of sale, and a short description of the premises sufficient to identify the same, and the hand bills shall be posted at least ten days before the day fixed for sale, and the newspaper advertisement shall be published at least one week before the day of sale.

Each sale of lands and tenements shall be returned to the Superior Court aforesaid at the next term thereof following the sale, and the Court shall inquire into the circumstances and either approve or set aside the sale. If it be approved, the Mayor shall make a deed to the purchaser which shall convey the title of the taxable or of his alienee; if it be set aside, the Court may order another sale, and so on until the tax due be collected. The peti-

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tion, return and deed shall be presumptive evidence of the regularity of the proceeding.

No sale shall be approved by the Court if the owner be ready at Court to pay the taxes, penalty and costs, and no deed shall be made until the expiration of one year from the date of sale, within which time the owner, his heirs, executors or assigns, shall have power to redeem the lands on payment to the purchaser, his heirs or assigns of the costs, the amount of the purchase money and twenty per centum interest thereon, and the expense of the deed.

After satisfying the tax due and the costs and expenses of sale from the proceeds of sale, the amount remaining shall be paid to the owner of the land, or upon the refusal of said owner to accept the same, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some bank in the City of Harrington either to the credit of the owner, or in a manner by which the fund may be identified.

In sales of lands for the payment of taxes the following costs shall be allowed, to be deducted from the proceed of sale, or chargeable against the owner:

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For filing and recording petition	\$1.00
For filing and recording return of sale	\$1.50

In addition, the cost of printing hand bills and publication of the advertisement of sale shall be chargeable as costs.

The cost of the deed shall not be chargeable as costs, but shall be paid by the purchaser.

If the owner of any lands and tenements against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale.

If any person is assessed for several parcels of lands and tenements in the same assessment, the total of said taxes may be col-

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lected from the sale of any part or portion of said lands and tenements, provided that land alienated by the taxable shall not be sold until other property of the taxable shall have been disposed of.

Section 15. If the City Manager shall be unable by the thirty-first day of December of the year of the date of tax list to collect the tax of any taxable, he is empowered, having first paid the amount thereof to the City, to collect said tax from such taxable for his own use by any of the processes of law herein prescribed within the space of one further year, from said thirty-first day of December, after which the said tax shall be extinguished and all authority to the City Manager under said tax list and warrant shall cease.

During the month of December next following the date of the tax list and warrant, the City Manager shall make full, final and complete settlement with the Treasurer and Council. The Council shall fix such time and place during the same month for settlement with the City Manager of which he, the said Treasurer, shall have due notice. At said settlement, the Council shall allow to the City Manager all taxes which shall have been found impossible to collect by reason of errors in the assessment lists or otherwise, and not through the default, neglect or delay of the City Manager, and said settlement shall be final and conclusive, and no other allowance in any form shall be made to the City Manager by the Council. Upon the conclusion of the said settlement, the City Manager shall forthwith pay over to the credit of the City the aggregate amount of the taxes found to be due the City, and upon his failure or neglect so to do, it shall be the duty of the Council to proceed to collect the same from the City Manager and/or his surety. The Council shall not reappoint as City Manager of the City any person who, as such, shall be in default to the City in any sum; provided, however, that the Council for good cause shall have the power to extend the time of settlement by the City Manager for a period not exceeding six months.

Section 16. All taxes assessed and payable under the terms of this charter shall be and constitute prior liens against the prop-

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erty upon which or against which said taxes are assessed and levied for a term of three years next after the first day of April in which the tax duplicate is delivered to the City Manager.

Section 17. The Council shall have the power and authority to lay out, locate and open new streets and to widen and to alter existing street or parts thereof, and to vacate or abandon streets or parts thereof, whenever they shall deem it for the best interests of the City. The procedure shall be as follows:

The Council shall, by a majority vote, adopt a resolution for the opening of the new street, or the widening or altering of a street, or the vacating or abandoning of a street, or any part thereof, as the case may be, the resolution giving a general description of the street to be opened or widened or altered. The resolution shall also state the day, hour and place where and when the Council will sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of property. A copy of such resolution shall be posted in five or more public places in the City at least five (5) days before the day fixed for the hearing aforesaid, and shall be published in a newspaper published in the City of Harrington at least five (5) days before said day. At the time and place fixed in said resolution, said Council shall hear such residents of the City or owners of the property affected, as may attend, and shall at said meeting or at a subsequent day as they shall deem proper, adopt a resolution by a majority vote to proceed with or to abandon, as they shall deem for the best interest of the City, the opening of a new street or the widening, altering, vacating or abandoning of an existing street, or part thereof, as the case may be, as contemplated in the prior resolution. In case the determination of the Council shall be to proceed with the plan contemplated by said resolution, they shall also award just and reasonable compensation to anyone who will be deprived of property in consequence thereof.

Such compensation as may be awarded, shall be paid by the Treasurer of the City on a warrant drawn on him by the authority of the Council. Any land owner who may be dissatisfied with the compensation awarded by the Council, may within five (5) days

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after notice of the award of the Council, may appeal therefrom by serving written notice to that effect on the Mayor. In order to prosecute said appeal, such appellant shall within five (5) days after the expiration of the five (5) days allowed for the appeal apply to the Judge of the Superior Court of the State, resident in Kent County, for the appointment of freeholders to hear and determine the matter of compensation to such appellant, and thereupon the said Judge shall issue a commission under his hand, directed to five (5) impartial freeholders of the County, two of whom shall be residents in the City of Harrington, commanding them to determine and fix the damages which the appellant will sustain by reason of being deprived of any property as aforesaid, taking into consideration the benefit or advantage which will enure to the appellant, and to make return of their finding to the said Judge at the time therein appointed. The freeholders shall give notice of the day, hour and place when and where they will meet to view the premises and to affix the damages, if any, as aforesaid. Such notice shall be served upon the appellant personally, or by posting a copy on the premises at least five (5) days before the day when the freeholders are to view the premises, and a copy of such notice shall be served on the Mayor, at least five (5) days before the day of such meeting. The freeholders named in such commission, being first sworn or affirmed on the day and at the hour and place stated in the notice, shall view the premises and hear the appellant and his witnesses and the Council and its witnesses, and shall without delay, determine and fix the damages, if any, which the said appellant will sustain by reason of being deprived of any property as aforesaid. Thereupon the said freeholders shall make return in writing of their proceeding to the said Judge who shall cause a copy of said return to be delivered to the President, and such return shall be final and conclusive. The said Judge shall have the power to fill any vacancies among the freeholders. The amount of damages being ascertained, the Council may pay or tender the same to the person entitled thereto within one (1) month after the same shall be finally ascertained, or may deposit the same in any bank in the City to the credit of the person entitled thereto, within the said period of one (1) month, and thereupon the Council may carry into effect the plan contemplated in the resolution aforesaid. The

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return of freeholders shall be filed in the office of the Prothonotary of the proper County.

In the ascertainment as assessment of damages by the freeholders, if the damages shall be increased, the costs of the appeal shall be paid by the Treasurer, but if said damages shall not be increased, the said costs shall be paid by the appellant. The fees to the freeholder shall be Five Dollars (\$5.00) per day to each, which shall be taxed as a part of the costs.

Section 18. The City shall have the power to acquire lands, tenements, property or interests therein, by condemnation for the purpose of providing sites for public buildings, parks sewers, sewage disposal, and for other municipal purposes, whether within or without the limits of the City, the procedure for which shall be substantially the same as hereinbefore provided in the case of condemning land for streets and highways, with the necessary changes as to detail.

Section 19. The Council shall have power to establish, change or alter the grade of street, lanes, alleys, bridges and gutters as from time to time may be deemed necessary and proper, and to establish curb lines in the same and the kind and character of gutters, and to change, alter or amend the same, but nothing in this Charter shall affect the duties of the Levy Court of Kent County.

PAVING, CURBING, AND GUTTERING

Section 20. The Council shall have power to cause the streets and sidewalks of the City to be paved, re-paved, curbed and guttered under such plan and with such material as it shall determine.

With respect to the paving or re-paving of sidewalks and the installing of curbs and gutters, the procedure shall be as follows:

Whenever a written petition of five (5) or more freeholders of the City shall be presented to the Council praying for the improvements, or any of them, the Council shall set upon said petition either at the meeting at which such petition is presented, or

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at the next subsequent meeting, and shall determine, in respect of curbing and guttering what part, if any, of the cost thereof shall be paid by the City, and the Council may thereupon direct in writing the owner or proprietor of any land in the City before or in front of which the improvements are to be made, to lay a pavement or install a curb and gutter, or either of them, of the kind and character, and of the width and thickness, and of the material and in the manner as may be directed by the Council.

The Council shall notify in writing the owner or proprietor of any land affected to make the improvement as determined by order of the Council within sixty (60) days after the date of the notice. The notice shall be served upon such owner or proprietor personally if he resides in the City, or it may be left at the usual place of abode of such owner or proprietor in the presence of some adult person; or if the owner or proprietor does not reside in the City, it may be lawful to deposit said notice in the mails direct to him at his last known post office address; if the owner or proprietor is unknown, it shall be a compliance with this section regarding notices to post a notice on the property.

The Council shall establish the curb and grade lines which shall be available to all owners and proprietors of lands affected.

The notice shall inform the persons affected thereby with full information as to the materials to be used, the width of the pavement, curb, or gutter, and the thickness or depth thereof, and the time within which the improvement shall be completed.

If the owner or proprietor shall neglect or refuse to make the improvement within the time stated in the notice, the Council shall cause the improvement to be made at the expense of the owner or proprietor, and may recover the expense thereof, together with cost and any penalty which may be by ordinance established for failure or neglect to make the improvement, by an action of debt brought before the Alderman, or any Justice of the Peace residing in the City. In any action brought for the recovery of money due the City under the provisions hereof, the City shall have the right to a forthwith summons as in like cases within the jurisdiction of

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a Justice of the Peace. The date of the notice shall be proved and shall be stated in the judgment. Writs of execution may issue upon any judgment recovered as in like cases of civil nature, and upon a return of nulla bona, a certified abstract of the judgment and return shall be filed in the office of the Prothonotary in Kent County, and said judgment shall thereupon become a lien upon the premises affected and shall have all the force and effect of any other judgment entered in the Superior Court of the State of Delaware, the said lien relating back to the date of the notice given as aforesaid and taking precedence over any other lien against the property which shall or may have been entered after the date of the notice.

If any property affected by the provisions hereof shall be held or owned by widow in right of dower, the expense incurred shall be paid by the owner in reversion in fee simple; and if such owner be a minor the expense shall be paid by the guardian or agent acting for such minor out of any money or effects held by such guardian or agent, or suit may be brought against said minor or the guardian of such as hereinabove provided, and the amount due the City recovered by sale of the goods and chattels, lands and tenements of the minor.

If the improvement desired is paving of any street, or part or portion thereof, upon written petition of five (5) or more freeholders as aforesaid, the Council shall by resolution fix a time and place for discussion of the proposed improvement. The resolution shall be published at least one week prior to the meeting for discussion aforesaid, in at least one issue of a newspaper published in the City and at said meeting the Council shall hear the owners or proprietors of the property affected and other citizens of the city. After such hearing, the Council either at said meeting or at a subsequent meeting shall decide whether or not to proceed with the improvement, and if the decision shall be to proceed with the improvement, then the part or portion of the cost, if any, which shall be assessed against the owner or proprietor of the property affected shall be determined. The part or share to be paid by the owner or proprietor of the property affected shall be determined. The part or share to be paid by the owner or proprietor of the property

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affected shall be determined on the basis of the lineal frontage of the parcel on the street to be improved.

The Council shall thereupon proceed to cause the improvement to be made and shall assess the owner or proprietor of the land affected with the whole, or such part and expense of the improvement according to the lineal frontage as aforesaid as may have been determined; shall present to such owner or proprietor a bill or statement of the costs and expense as allocated to the land of said owner or proprietor, and if the same shall not be paid within six (6) months thereafter, shall proceed to collect the said cost and expense from such owner or proprietor in the manner and under the same power and authority and by the same processes, with necessary change as to detail as hereinabove provided in this section. The lien of any judgment rendered shall relate back to the date of the decision of the Council to proceed with the improvement, and said date shall be proved and stated in the judgment.

CONTRACTS

Section 21. The Council is vested with authority on behalf of the City to enter into contracts for the rendering of personal service to the City and/or the purchase of supplies and doing of work for any municipal purpose for the City; provided:

A. No contract shall be made by Council for any purpose, the contract price of which is in excess of \$2,000 without public competitive bidding; and

B. The contract shall be awarded to the lowest responsible bidder, but Council may reject any and/or all bids for any cause by it deemed advantageous to the City; and

C. All formal contracts shall be signed by the Mayor with the Seal of the City attached attested by the Secretary.

POWER TO BORROW MONEY AND ISSUE BONDS

Section 22. (A) The Council may borrow money and issue Bonds or Certificates of Indebtedness to secure the payment thereof

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on the faith and credit of the City of Harrington to provide funds for the erection, the extension, the enlargement or the repair of any plant, machinery, appliances or equipment for the supply, or the manufacture and distribution of electricity or gas for light, heat, or power purposes; for the furnishing of water to the public, for the construction, repair or improvement of highways, streets or lanes or the paving, curbing or erection of gutters along the same; the construction or repair of sewers or sewage disposal equipment; or to defray the cost or the share of the City of the cost of any permanent municipal improvement; provided, however, that the borrowing of the money therefor shall have been authorized by the City Council and shall have been approved by the electors in the manner and at the time following:

(B) 1. Council by resolution shall propose to the electors of the City by resolution that the stated amount of money shall be borrowed for any of the above purposes. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan, and shall fix a time and place for hearing on the said resolution.

2. Notice of the time and place of the hearing on the resolution authorizing said loan shall be printed in a newspaper published in the City at least one week before time set for said hearing.

3. A second resolution shall then be passed by Council ordering a special election to be held not less than thirty (30) days and not more than sixty (60) days after the date of its determination after said hearing to borrow the said money for the purpose of voting for or against the proposed loan.

4. The notice of the time and place for holding the said special election shall be printed in a newspaper in the City once a week for three (3) successive weeks prior to the election. And the special election shall be conducted by a Board of Electors as herein provided in the case of an annual election.

5. The Council shall cause to be prepared, printed and have

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available for distribution a sufficient number of ballots at not less than five (5) days prior to the day of the special election.

6. At the special election, every person who had a right at the next preceding annual City election shall have one vote for every dollar and fractional part of dollar of tax paid by him or her respectively during the year preceding said election, and every owner of property whether individual partnership, or corporation shall have one vote for every dollar or part of dollar of tax paid by said owner during the year preceding said election and the said vote may be cast either in person or by proxy.

7. The Board of Election shall count the votes for and against the proposed loan; and shall announce the result thereof, shall make a certificate under their hands of the number of votes cast for and against the proposed loan, and should deliver the same to the Council, which said certificate shall be entered on the minutes of the Council, and the original shall be filed with the papers of the Council.

(C) The form of Bond or Certificate of Indebtedness, the times of payment of interest, the classes, the times of maturity, and provisions as to the registration shall be determined by the Council. The Bonds shall be offered for sale to the best and most responsible bidder therefor after advertisement in a newspaper of the City or otherwise, for at least one month before offering the same for sale. The Council shall provide, in its budget, and in fixing the rate of tax, for the payment of interest and principal of said bond at the maturity or maturities thereof, and a sinking fund therefor. The faith and credit of the City of Harrington shall be deemed to be pledged for the due payment of the bonds and interest thereon issued under the provisions hereof, when the same have been properly executed and delivered for value.

(D) The bonded indebtedness of the City shall not be increased or added to at any time if at the time of such proposed increase the aggregate bonded indebtedness of the said City shall be equal to or in excess of 15% of the value of the real property situated within the limits of the said City as shown by the last assessment preceding the proposed addition to the said indebtedness.

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ORDINANCES

Section 23. The Council is hereby vested with the authority to enact ordinances or resolutions relating to any subject within the powers and functions of the City, or relating to the government of the City, its peace and order, its sanitation, beauty, the health, safety, convenience and comfort of its population, and the protection and preservation of property, and to fix, impose and enforce the payment of fines and penalties for the violation of such ordinances or resolutions, and no provision of this Charter as to ordinances on any particular subject shall be held to be restrictive of the power to enact ordinances or resolutions on any subject not specifically enumerated.

All ordinances or resolutions of general character relating to the government of the City shall not be of force and effect until the same shall have been published in a newspaper printed in the City or a copy posted in two public places for public information.

It shall be the duty of the Council to compile the ordinances of the City, to have a reasonable number of copies printed for the use of the officials of the City and for public information; and from time to time, upon the enactment of new ordinances or the amendment of existing ordinances, to enroll the same in the minutes of the Council, and to keep copies thereof in a book to be provided for that purpose, so that the same may be readily examined and also to furnish the Alderman with copies thereof as they are enacted and published.

NUISANCES

Section 24. (A) The Council shall have power to enact ordinances defining nuisances and providing for the removal or abatement thereof, and prescribing the fines, penalties and forfeitures for causing or continuing the same. The Council may upon their own view, or upon information, determine that a nuisance does in fact exist, upon which determination they shall have the right to remove or abate the same in a summary manner; and the operation of any instrument, device, or machine that shall cause electrical interference with radio reception within the limits of the

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City, shall at the option of the Council, be deemed to be a nuisance. Encroachments and obstructions in and to streets by porches, bay windows, awning, and poles, or the accumulation of snow or ice on sidewalks may be deemed to be nuisances and may be abated or removed at the expense of the persons responsible therefor, as by ordinance provided.

HEALTH

(B) The power to adopt ordinances relating to the health of the population of the City, or to prevent the introduction or spread of infections or contagious disease or nuisance affecting the City, shall extend to the area outside of the City limits and within one mile from said limits.

FIRE

(C) The Council shall have the power to adopt all measures requisite or appropriate for protection against fire, and to appropriate money for the purpose of fire equipment, whether owned by the City or by a volunteer fire company.

DOGS

(D) Every dog in the corporate limits of the Town of Harrington may be assessed at fifty cents and the assessment shall show the names of such persons owning such dogs and the number of dogs owned by each.

ZONING

(E) For protection against Fire, the Council may adopt ordinances to zone or district the City and to make particular provisions for particular zones or district with regard to buildings and building materials; to prohibit the use of building materials that may be deemed to create a fire hazard, and this power shall embrace new buildings or additions to or alterations of existing structures of every kind; to condemn buildings or structures, or portions thereof; that constitute a fire menace, and to require or cause the same to be torn down, removed, or so altered as to eliminate the menace of

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fire, to prescribe the height and thickness of walls of any building and the kind and grade of material used in the construction thereof.

The Council may adopt zoning ordinances limiting and specifying districts and regulating therein buildings and structures according to their construction and according to the nature and extent of the business to be carried on therein.

The Council may create a City Zoning Commission for the development, improvement and beautification of the City, and may prescribe its powers and duties.

BUILDING INSPECTION PERMITS

(F) The Council may provide for the issuance of building permits, and may forbid the construction of any new building, or the addition to, or alteration, or repair of any existing building unless a building permit has been obtained therefor.

Should any person, firm or corporation hereafter desire to erect any building or buildings, within the corporate limits of said City for the purpose of conducting therein the business of canning fruits, vegetables, meats, oysters, etc., or for the manufacture or manipulation of phosphates, fertilizers or manures of any kind, he or they before erecting such building or buildings, or engaging in such business, shall make an application in writing for permission therefor to said Council. And should said Council determine that such buildings will not endanger the other property of the City and said business will not jeopardize the health of or be offensive to the citizens thereof, the Council shall have authority to grant a permit to erect such buildings and conduct such business.

The Council shall have full power to fix and determine the placing or replacing of poles or other structures within the City limits for the carrying of telegraph, telephone, power, or other wires, and the attachments thereto, and to cause existing poles or structures to be removed whenever the same shall be deemed to be obstructions or detrimental to the beauty of the City, or when such poles or structures are so placed as to inconvenience persons or render property less desirable. This power shall extend as well to

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the location as to the relocation of such poles and structures, wires and attachments, and may be exercised from time to time as occasion shall arise.

FRANCHISES

Section 25. The Council shall not grant franchises or licenses to public utilities or common carriers for a period longer than two years unless authorized by a majority of the voters and taxables of the City at any general or special election called for that purpose in the manner as herein before provided in Section 22 of this Charter relating to the Power to Issue Bonds; provided that the franchise or powers of any corporation owning or operating a public utility in or through the City at the time of the approval of this Charter shall not be affected or impaired.

That if any person or persons shall hereafter erect or set up a plant for the purpose of manufacturing therein, within the limits of said Town, the Council for the City of Harrington shall have the power to remit all taxes that may be levied or imposed on said plant for City purposes for a period not exceeding ten years, but such remission of taxes as aforesaid shall be at the discretion of the Council for the City of Harrington.

LICENSES

Section 26. The Council shall have the right to grant or refuse licenses for boxing exhibitions and other sports, to circuses, theatrical or minstrel companies, or like things, and exhibits or parades thereof, or the posting of bills for the advertisement thereof; to pool or billiard rooms and other places of amusement, to peddlers or canvassers, to any person having only temporary place of business for selling or offering for sale goods, wares and merchandise to peddlers of meats, fish, oysters, or vegetables and the location of wagons or stalls, provided that the Council shall not have the power to permit, by license, interference with any place of business or with the convenience of public travel; to provide for the payment of taxes, fines, penalties and forfeitures by performance of labor for the City by those who may owe taxes, fines,

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penalties or forfeitures, and to make proper regulations and rules therefor.

TREES

Section 27. Trees being among the chief beauties of the City, and their preservation requiring that they be treated with special care and intelligence, the Council is empowered to create a Tree Commission for the trees in the streets, and other public places of the City, and to appropriate annually an amount of money adequate for their care and preservation. The Tree Commission may be given authority to take necessary or appropriate action to prevent injuries to trees from electric wires or from any other source or cause whatsoever, and to combat the pests and diseases to which they are subject, and when necessary to employ tree experts, provided that they do not exceed the appropriation made by the Council.

SEWERS—SEWAGE DISPOSAL

Section 28. The Council shall have the oversight, management and control of the sewers, sewer systems, and sewage disposal of the city, together with the authority to install additional sewers and to change, alter or repair existing sewers. The Council also shall have the power to enact ordinances, rules and regulations in relation to the sewers and sewer systems, and the use thereof, to require sewer mains and the manner of such connection, and to compel the owner of any property to pay the cost of such connection, and the tapping fee or charge therefor, and to fix fines and penalties for the violation or non-observance of such ordinances, rules or regulations, and otherwise to provide for the collection of the costs of making such connections, and the tapping fee and charges.

PENALTIES

Section 29. The Council shall have the power to enact ordinances, rules and regulations and to fix the penalties for violations thereof, relating to the use of streets, highways, lanes, and alleys, the parking of vehicles thereon, with the power to prohibit parking on streets, or portions thereof, entirely or within certain hours, or for certain lengths of time.

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CITY JAIL

Section 30. The Council may build and maintain a suitable place as a lock-up or jail for the City, which shall be used as a place of detention for persons convicted of violation of law or ordinances, or for the detention of persons accused of violation of law or ordinances for a reasonable time, in case of necessity, prior to hearing and trial. Nothing in this Section shall prevent the sentencing of offenders, or the detention of accused persons in the county jail of Kent, as may be otherwise provided in this Charter.

FINES AND IMPRISONMENT

Section 31. No fine shall be imposed in a sum exceeding One Hundred Dollars (\$100) exclusive of costs; and no term of imprisonment shall be imposed for violation of any rule, regulation or ordinance, or other offense, or for failure to pay any fine or penalty imposed, in excess of a period of thirty days.

FLOATING DEBT

Section 32. Whenever during the year, the current receipts are insufficient to provide for the needs of the City, the Council is authorized to anticipate revenue by borrowing money not in excess of the sum of Two Thousand Five Hundred Dollars (\$2,500.00), which shall be repaid from current revenue received thereafter; provided, however, such borrowing shall at no time exceed in the aggregate \$2,500. Indebtedness created hereby shall be evidenced by bond or note of the City, and the faith and credit of the City shall be deemed to be pledged for the due payment thereof; but no agency or instrumentality of the City shall borrow money upon the credit of the City, except by resolution of the Council.

INVESTIGATIONS BY COUNCIL

Section 33. The Council shall have power to inquire into the conduct of any office, officer, or employee of the City, and to make investigations of the municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence.

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SURVIVAL OF POWERS

Section 34. The power conferred upon or vested in the Town of Harrington by any act or law not in conflict herewith are hereby conferred upon and vested in the City of Harrington.

VALIDATING SECTIONS

Section 35. All ordinances adopted by the Town Council of the Town of Harrington, or which are in force for the government of the Town of Harrington at the time of the approval of this Charter, are continued in force and effect as ordinances of the City of Harrington until repealed, altered or amended under the provisions of this Charter, and the acts of the Council of the Town of Harrington and of the officials thereof lawfully done or performed under the provisions of the Charter of the Town of Harrington or ordinance thereof, or of any law of this State, prior to the approval of this Act, are hereby ratified and confirmed.

Section 36. All taxes, fines, penalties, forfeitures, assessments or debts due the Town of Harrington shall be deemed to be due the City of Harrington, and all debts due from the Town of Harrington shall be deemed to be due from the City of Harrington and the same shall remain unimpaired until paid; and the power, right and authority to collect taxes imposed under the provisions of this Act, and the process of which may be employed hereunder, shall be deemed to apply and to extend to all unpaid taxes imposed under the Charter of the Town of Harrington.

Section 37. The bonds given by or on account of any official of the Town of Harrington shall not be impaired by or affected by the provisions of this Act, but the City of Harrington shall succeed to all the benefits of said bonds.

PUBLICATION

Section 38. Wherever, under the terms of this charter provisions are made for the publication of any notice or notices relating to municipal matters of whatever nature and by the terms of this charter it is provided that such notice or notices shall be published

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in a newspaper published in the City of Harrington, it is hereby expressly provided that in the event there be no newspaper at that time published in the City of Harrington, then and in that event such notice or notices shall be published under like conditions and with like effect in any newspaper published in the City of Dover, or in the City of Milford.

Printed copies of this Charter, ordinances and resolutions of the Council and published or distributed by authority thereof shall be evidence in any court of law or equity.

Section 39. This Charter of the City of Harrington shall take effect as on the Second Tuesday in January, 1936, to-wit, the fourteenth day of January, 1936.

Approved April 18, 1935.

CHAPTER 168

LAUREL

AN ACT AUTHORIZING THE MAYOR AND COUNCIL OF LAUREL, DELAWARE, TO BORROW TWENTY-SEVEN THOUSAND DOLLARS (\$27,000.00) TO REDEEM CERTAIN OUTSTANDING BONDS AND VARIOUS FORMS OF INDEBTEDNESS OF THE MAYOR AND COUNCIL OF LAUREL, DELAWARE.

WHEREAS, the Mayor and Council of Laurel, Delaware, has heretofore issued Twenty-seven Thousand Dollars (\$27,000.00) for indebtedness of various forms of the Town of Laurel, Delaware, being an indebtedness of said Town of Laurel, Delaware, and whereas the said bonds and various forms of indebtedness bear interest at a rate higher than is necessary to pay for money at the present time, and it is desirable to redeem said bonds and various forms of indebtedness and to refund the debts evidenced thereby at a lower rate of interest, but there are no funds now available for the redemption of the said bonds and the various forms of indebtedness. Now, therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch of the Legislature concurring therein):

Section 1. That the Mayor and Council of Laurel, Delaware, is hereby authorized and empowered to borrow on the faith and credit of the Town of Laurel, Delaware, the sum of Twenty-seven Thousand Dollars (\$27,000.00), or so much thereof as may be necessary to redeem the outstanding bonds and various forms of indebtedness of the Town of Laurel, Delaware.

Section 2. That the Mayor and Council of Laurel, Delaware, for the purpose set forth in Section 1 of this Act, shall have full power and authority to issue bonds of the Town of Laurel, Delaware, said bonds to be denominated "Laurel Refunding Bonds, Water Department, Series of 1935" to an amount not exceeding in

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the aggregate the sum of Twenty-seven Thousand Dollars (\$27,000.00).

The said bonds shall be issued in denominations of One Thousand Dollars (\$1,000.00) each, shall bear date January 1, 1935, shall be numbered consecutively beginning with number one, and shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually on the first day of January and July of each year. It shall be the duty of the said Mayor and Council of Laurel, Delaware, to pay the principal of at least two of said bonds each year beginning with the year 1940 and the bonds to be selected for redemption shall be drawn consecutively beginning with number one at par.

On and after January 1, 1940, any or all the bonds may be called at par at the option of the Mayor and Council of Laurel, Delaware, on any interest date on thirty (30) days notice. Publication of said call for redemption in any newspaper in Sussex County, State of Delaware, shall be due notice of said call by said Mayor and Council of Laurel, Delaware.

Section 3. The Mayor and Council of Laurel, Delaware, shall direct and effect the preparation and sale of said bonds authorized by this Act, at such time or times and on such terms as the said Mayor and Council of Laurel, Delaware, shall deem expedient, but no moneys derived from the sale of said bonds shall be applied or utilized for the principal of any new indebtedness of the said Mayor and Council of Laurel, Delaware, but shall be used exclusively for the purpose of refunding outstanding indebtedness.

Section 4. That the form of said bonds shall be prescribed by the said Mayor and Council of Laurel, Delaware, and the said bonds shall be signed by the Mayor and by the Treasurer of said Mayor and Council of Laurel, Delaware, and be sealed by the corporate seal of said corporation, and shall be exempt from State, County and municipal taxation.

The Bonds may or may not be coupon bonds, as the Mayor and Council of Laurel, Delaware, shall determine.

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Section 5. The principal of such Bonds shall be paid, at the rate of not less than Two Thousand Dollars (\$2,000.00) each year, out of receipts of the water department of said town, or from the Town treasury.

The Treasurer of the Town may, if the Mayor and Council of Laurel, Delaware, deem proper, be required to give additional bond with sufficient surety for such sum as said Mayor and Council of Laurel, Delaware, shall determine and approve.

Section 6. That the faith of the Mayor and Council of Laurel, Delaware, is hereby pledged for the payment of any bonds that may be issued under the provisions of this act.

Section 7. The Twenty-seven Thousand Dollars (\$27,000.00) of bonds and various forms of indebtedness to be paid by the moneys arising from the sale of bonds issued under the provisions of this Act shall be cancelled when the same is paid by writing on the face of each bond or other form of indebtedness the words "Cancelled and paid" with the date of payment and signed by the Mayor and Town Clerk of the Mayor and Council of Laurel, Delaware, and the bonds or other forms of indebtedness so cancelled shall be preserved by the Town clerk of the Town of Laurel, Delaware.

Approved February 6, 1935.

CHAPTER 169

LITTLE CREEK

AN ACT TO REPEAL CHAPTER 113, VOLUME 35, LAWS OF DELAWARE, ENTITLED "AN ACT AUTHORIZING THE 'TOWN OF LITTLE CREEK' TO BORROW THREE THOUSAND DOLLARS (\$3000) TO INSTALL AN ELECTRIC LIGHT SYSTEM AND TO ISSUE BONDS THEREFOR."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch thereof concurring therein):

Section 1. That Chapter 113, Volume 35, Laws of Delaware, entitled "An Act Authorizing the 'Town of Little Creek' to borrow three thousand dollars (\$3,000.00) to install an electric light system and to issue bonds therefor" be and the same is hereby repealed.

Approved April 1, 1935.

CHAPTER 170

MILFORD

AN ACT AUTHORIZING "THE CITY OF MILFORD" TO BORROW ONE HUNDRED AND TWENTY-FOUR THOUSAND DOLLARS (\$124,000) AND TO ISSUE BONDS THEREFOR FOR THE PURPOSE OF REDEEMING AND REFUNDING CERTAIN OUTSTANDING BONDS AND OTHER INDEBTEDNESS OF "THE CITY OF MILFORD."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all of the members elected to each Branch of the Legislature concurring therein):

Section 1. That "The City of Milford", a municipal corporation created by and existing under the laws of the State of Delaware, be and it is hereby authorized and empowered to borrow, on the faith and credit of the said "The City of Milford", a sum of money not exceeding One Hundred and Twenty-four Thousand Dollars (\$124,000) for the purpose of redeeming and refunding outstanding bonds and other indebtedness of the said "The City of Milford."

Section 2. That the City Council of the said "The City of Milford", for the purposes set forth in Section 1 of this Act, shall have full power and authority to issue bonds of the said "The City of Milford" to an amount not exceeding in the aggregate the sum of One Hundred and Twenty-four Thousand Dollars (\$124,000), and said bonds shall be known by whatever name the City Council shall determine.

Section 3. The said bonds shall be authorized by a resolution of the City Council and shall be issued in one or more series, shall bear such date or dates, mature at such time or times, not exceeding thirty years from their respective dates, bear interest at such rate or rates, not exceeding four per centum per annum, payable at such time, be in such denominations, and payable at such place or places, as such resolution or subsequent resolutions may provide. The bonds may or may not be coupon bonds as the said City Council

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shall determine. Any or all of said bonds may be redeemed at the option of the City Council at par and accrued interest, at any interest period after the expiration of five years from the date of said bonds; provided, however, that if the said City Council shall elect to redeem any or all of said bonds as aforesaid such redemption shall be made in pursuance of a notice signed by the Mayor of "The City of Milford" and by the Treasurer of said City, published once a week for two consecutive weeks in a newspaper or newspapers published and circulated in Kent or Sussex Counties, Delaware. Such notice shall indicate the bonds called and in making such call or calls for redemption the said City Council shall select by lot the bonds to be called. The interest on any of said bonds so called shall cease from the date named in any of said calls for redemption.

Section 4. The City Council of "The City of Milford" shall direct and effect the preparation and sale of the bonds which are authorized by this Act at such time or times and upon such terms as the said City Council may deem expedient and all moneys arising from the sale of said bonds shall be used for the purpose of carrying out the provisions of this Act.

Section 5. The form of said bonds, with the coupons that may be attached thereto, shall be prescribed by resolution of the City Council and said bonds shall be signed by the Mayor of "The City of Milford" and by the Treasurer of said City, and sealed with the corporate seal of said corporation and shall be exempt from State, County and Municipal Taxes. As said bonds and coupons attached thereto shall be paid, the same shall be cancelled as the said City Council shall direct.

Facsimile signatures of the Mayor of "The City of Milford" and of the Treasurer of "The City of Milford" may be imprinted upon the coupons that may be attached to said bonds in lieu of the respective signatures of the said Mayor and Treasurer.

Section 6. The said City Council of "The City of Milford" is hereby authorized and required to levy and raise by taxation in each year any sum of money that may be required to pay the interest accruing on said bonds or any of them, whilst any of said bonds

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remain unpaid. And the said City Council is further authorized and required to levy and raise by taxation, from time to time, such sum or sums as said City Council shall deem proper to establish a sinking fund adequate for the redemption of said bonds or any of them at or before their maturity. Taxes for interest and sinking fund, as aforesaid, shall be levied and raised as taxes for general and municipal purposes in the said City are levied and raised and shall be in addition to the taxes raised for all or any other purposes.

Section 7. The faith and credit of the said "The City of Milford" are hereby pledged for the due payment of all of the bonds and interest thereon that may be issued under the provisions of this Act.

Section 8. Any bond issued pursuant to this Act may contain a recital that it is issued pursuant to this Act, which recital shall be conclusive evidence of its validity and of the regularity of its issuance.

Approved April 15, 1935.

CHAPTER 171

MILLSBORO

AN ACT TO AMEND CHAPTER 203, VOLUME 25, LAWS OF DELAWARE, BEING "AN ACT TO RE-INCORPORATE THE TOWN OF MILLSBORO", BY AMENDING SECTION 24 OF SAID CHAPTER 203, VOLUME 25, LAWS OF DELAWARE, BY AMENDING THE PROVISIONS AS TO THE ABATEMENT AND ADDITIONS TO TAXES, IF PAID ON OR BEFORE CERTAIN DATES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch of the Legislature concurring therein):

Section 1. That Chapter 203, Volume 25, Laws of Delaware, be, and the same is amended by striking out therefrom all of Section 24 thereof, and inserting in lieu thereof the following paragraph to be known as Section 24, Chapter 203, Volume 25, Laws of Delaware:

Section 24. The said Commissioners after having ascertained the sum necessary to be raised and having apportioned the same on the assessment and valuation aforesaid, shall, on the first Tuesday in May of each year furnish the treasurer of said town, who shall be the collector of taxes for said town, with a duplicate containing the names of the taxables as well the owners of real estate and taxable personal property, as those not owning real estate or taxable personal property, distinguishing between them, and also the tax levied on each person and also the tax on the whole valuation and assessment and the rate per hundred dollars. The said duplicate shall have a warrant annexed thereto and shall be signed by the President and a majority of the members of Commissioners. The said Treasurer shall, upon receiving such duplicate, post notices in at least five public places in said town, that the taxes for the ensuing year are due and payable which notice shall be all that is required to be given before proceeding to collect the taxes of any taxable under the provisions of Section 25 of this Act. The said treasurer shall sit at some convenient place on the first Tuesday in

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August of each year, from nine o'clock A. M. until eight o'clock P. M., with intermission from twelve o'clock M. until one o'clock P. M., and from five o'clock P. M. until six o'clock P. M., for the purpose of receiving taxes; he shall also sit on the first Tuesday in December at the hours aforesaid for the same purpose. On all taxes paid before the first day of September, there shall be an abatement of five per centum; on all taxes paid after the first day of September and before the first day of January there shall be no abatement; and on all taxes paid after the first day of January one per centum per month shall be added thereto for each month the same shall remain unpaid after January first.

Approved April 18, 1935.

CHAPTER 172

NEW CASTLE

AN ACT TO AMEND CHAPTER 216, VOLUME 27, LAWS OF DELAWARE, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF NEW CASTLE", BY AUTHORIZING THE NEW CASTLE COUNTY ASSESSMENT BOARD VALUATIONS OF REAL ESTATE WITHIN THE CITY OF NEW CASTLE BE USED FOR THE CITY ASSESSMENT.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, with the concurrence of two-thirds of all the members elected to each House of the General Assembly:

Section 1. That Section 19 of Chapter 216, Volume 27, Laws of Delaware, entitled "An Act amending, revising and consolidating the Charter of the City of New Castle," as now amended, be further amended by adding at the end of said Section a new paragraph as follows:

"The Council of the City of New Castle is hereby vested with the power and authority, in the preparation and making of the annual city assessment of real estate within the City of New Castle for city purposes, to adopt and use the assessment and valuations made by the County Assessment Board of New Castle County of real estate within the City of New Castle, and to order and direct that such County Assessment be used as the assessment and valuations for the City Assessment of all real estate situated within the City of New Castle assessed and taxed for city purposes. There shall be added to such county assessment any taxable real estate within the city not included in the county assessment, and corrections of property or ownership shall be made in accordance with the existing facts. The person or persons making or copying the assessment shall also designate and mark in the assessment book such real estate as is "Farm Land" or "Suburban Land" as hereinbefore provided and directed in this Section."

Approved March 25, 1935.

CHAPTER 173

NEW CASTLE

AN ACT TO FURTHER AMEND CHAPTER 216, VOLUME 27, LAWS OF DELAWARE, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF NEW CASTLE", BY CHANGING THE PENALTY ON UNPAID CITY TAXES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of all the members elected to each House of the General Assembly):

Section 1: That Section 20 of Chapter 216, Volume 27, Laws of Delaware, entitled "An Act amending, revising and consolidating the Charter of the City of New Castle", as now amended, be further amended by striking out all of the last paragraph of Section 20 of said Act, and inserting in lieu thereof the following:

"On all taxes paid before the First day of September in the year in which they are due, there shall be an abatement of Five Per Cent; on all taxes paid after the First day of September and before the First day of December, there shall be an abatement of Three Per Cent; on all taxes not paid by the First day of January, there shall be added One-Half of One Per Cent per month until the same shall be paid."

Approved April 1, 1935.

CHAPTER 174

NEWPORT

AN ACT TO AMEND CHAPTER 141, VOLUME 29, LAWS OF DELAWARE, BEING AN ACT ENTITLED, "AN ACT AUTHORIZING 'COMMISSIONERS OF NEWPORT' TO BORROW MONEY AND TO ISSUE BONDS TO SECURE THE PAYMENT THEREOF, FOR THE PURPOSE OF ESTABLISHING WATER WORKS, OR A SEWER SYSTEM, OR BOTH, AND TO CONTROL AND REGULATE THE SAME, WHEN SO ESTABLISHED," BY PROVIDING THAT CHARGES OR WATER RENTALS SHALL BE A LIEN ON REAL ESTATE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House of the General Assembly concurring therein):

Section 1. That Section 8 of Chapter 141, Volume 29, Laws of Delaware, being an Act entitled, "An Act authorizing 'Commissioners of Newport' to borrow money and to issue bonds to secure the payment thereof, for the purpose of establishing water works, or a sewer system, or both, and to control and regulate the same, when so established," be and the same is hereby amended by adding at the end of Section 8 the following words:

"All charges or rentals for water supply which may hereafter be made to the owner, tenant or occupant of any lands and tenements situate in the Town of Newport, shall constitute a prior lien on said lands and tenements for a period of ten years from the first day of January succeeding the assessment of said charges or water rentals and said lien shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility which the said lands and tenements may become charged with or liable to.

In case of the sale under execution process of any lands and tenements upon which such liens for water rentals shall exist, such liens shall be transferred to the fund arising from such sale in the hands of the officer making the same and the said real estate so sold shall be discharged therefrom."

Approved March 29, 1935.

CHAPTER 175

SELBYVILLE

AN ACT AUTHORIZING THE MAYOR AND COUNCIL OF THE TOWN OF SELBYVILLE TO BORROW MONEY TO REDEEM CERTAIN OUTSTANDING BONDS AND ISSUE REFUNDING BONDS THEREFOR.

WHEREAS, the Mayor and Council of the Town of Selbyville, a Municipal Corporation of the State of Delaware, has heretofore issued bonds for various improvements in said town; and

WHEREAS, there remain outstanding of the said bonds the total sum of Fifty-six Thousand Dollars (\$56,000.00), being an indebtedness of the said town; and

WHEREAS, the said bonds bear interest at a rate higher than is necessary to pay for money at the present time, and it is desirable to redeem the said bonds and refund the debt evidenced thereby at a lower rate of interest, but there are no funds available for the redemption of the said bonds;

Now, therefore, be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch thereof concurring therein):

Section 1. That the Mayor and Council of the Town of Selbyville, a municipal corporation of the State of Delaware, be and it is hereby authorized and empowered to borrow upon the faith and credit of the said corporation a sum of money, not exceeding the sum of Fifty-six Thousand Dollars (\$56,000.00), to redeem the outstanding bonds of the said corporation, and The Mayor and Council of the Town of Selbyville is authorized from the proceeds of this issue to purchase any non-callable bonds that may be outstanding at any time the same may be purchased from the holders.

Section 2. That the said corporation for the purpose stated in Section 1 of this Act, be and it is hereby authorized and fully

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empowered to issue bonds of the said corporation, to be denominated and known as "Selbyville Refunding Bonds, Series of 1935", to an amount not exceeding in the aggregate the sum of Fifty-six Thousand Dollars (\$56,000.00).

The said bonds shall be issued in such denominations as The Mayor and Council of the Town of Selbyville shall determine, and shall bear such date as shall be deemed advisable, and shall be payable at such time or times as may be determined by The Mayor and Council of the Town of Selbyville, and shall bear a rate of interest not exceeding three and one-half per centum ($3\frac{1}{2}\%$) per annum, payable semi-annually on the first days of January and July of each year.

It shall be the duty of the said corporation to pay at least Three Thousand Dollars (\$3,000.00) of said bonds each year.

Section 3. That the said corporation shall direct and effect the sale of the bonds, at such time or times and on such terms as the said Corporation shall deem expedient; and no money derived from the sale of said bonds shall be applied to the payment of any new indebtedness of the said corporation, but shall be used exclusively for the purpose of refunding the said outstanding bonds.

Section 4. That the form of the said bonds shall be prescribed by the said corporation, and the said bonds shall be signed by the Mayor, Treasurer and Secretary, of the corporation, and shall be sealed with the corporate seal of the said corporation, and shall be exempt from all State, County and Municipal Taxes. The said bonds may or may not be coupon bonds, as the said corporation shall direct.

Section 5. That the faith and credit of the said corporation are hereby pledged to the payment of the said bonds authorized by this Act.

Section 6. That the said corporation be and it is hereby authorized and directed to levy and collect sufficient taxes to pay at

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least Three Thousand Dollars (\$3,000.00) on the principal of said bonds, together with the interest on all of the said bonds outstanding, each year, until all of the said bonds shall have been fully paid. The said taxes shall be assessed and collected in excess of, and in addition to, the sum or amount heretofore authorized to be raised by the said corporation for other purposes.

Section 7. That this Act shall be deemed and taken to be a Public Act and shall be published as such.

Approved April 18, 1935.

CHAPTER 176

SMYRNA

AN ACT TO AMEND CHAPTER 192, VOLUME 36, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SMYRNA" BY ENLARGING THE POLICE POWERS OF THE SAID "THE TOWN OF SMYRNA."

Be it enacted by the Senate and the House of Representatives of the State of Delaware in General Assembly met (two-thirds of all of the members elected to each Branch of the Legislature concurring therein):

Section 1. That Chapter 192 of Volume 36, Laws of Delaware, being an Act entitled "AN ACT TO REINCORPORATE THE TOWN OF SMYRNA" be amended by adding a new paragraph to Section 24 (Police and Jail) of said Act to follow immediately after the first paragraph of Section 24, which first paragraph ends with the words "at any time for cause and in accordance with Section 11 of this Act", which said new paragraph of said Section 24 shall be, as follows:

"Each town constable appointed by the Council of said Town as aforesaid, and each member of the police force of said Town, shall be vested with full power and authority, in the case of the pursuit of an offender for violation of any law of the State of Delaware or ordinance of "The Town of Smyrna" for an offense committed or which had its inception within the corporate limits of the said Town, to complete the pursuit and apprehension of such an offender beyond the town limits of said Town, without limitation, and in either Kent County or New Castle County, as may be necessary to apprehend such offender, and the Alderman of "The Town of Smyrna", and any Justice of the Peace residing in the Town of Smyrna, shall have the same jurisdiction in all such cases in the same manner as if the offender was apprehended within the corporate limits of the said "The Town of Smyrna."

Approved April 18, 1935.

CHAPTER 177

SMYRNA

AN ACT AUTHORIZING "THE TOWN OF SMYRNA" TO BORROW AN AMOUNT NOT EXCEEDING ONE HUNDRED AND FORTY-SEVEN THOUSAND DOLLARS AND TO ISSUE BONDS THEREFOR FOR THE PURPOSE OF REDEEMING AND REFUNDING CERTAIN OUTSTANDING BONDS OF "THE TOWN OF SMYRNA."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each Branch of the Legislature concurring therein):

Section 1. That "The Town of Smyrna", a municipal corporation created by and existing under the laws of the State of Delaware, be and it is hereby authorized and empowered to borrow, on the faith and credit of the said "The Town of Smyrna", a sum of money not exceeding One Hundred and Forty-seven Thousand Dollars (\$147,000) for the purpose of redeeming and refunding certain outstanding bonds of the said "The Town of Smyrna."

Section 2. That the Town Council of the said "The Town of Smyrna", for the purpose set forth in Section 1 of this Act, shall have full power and authority to issue bonds of the said "The Town of Smyrna" to an amount not exceeding in the aggregate the sum of One Hundred and Forty-seven Thousand Dollars (\$147,000) and that said bonds shall be known by whatever name said Town Council shall determine.

Section 3. The said bonds shall be authorized by a resolution or resolutions of said Town Council and shall be issued in one or more series, shall bear such date or dates, mature at such time or times, not exceeding twenty-five years from their respective dates, bear interest at such rate or rates, not exceeding four percentum per annum, be payable at such time or times, be in such denominations, and payable at such place or places, as such resolution or resolutions of said Town Council may provide. The bonds may

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or may not be coupon bonds as said Town Council shall determine. Any or all of said bonds may be redeemed at the option of said Town Council at par and accrued interest and at such interest period or periods and after the expiration of such time or times from the date of said bonds, all as shall be authorized by said resolution or resolutions of said Town Council and as shall be set forth in the bonds, and if said Town Council shall elect to redeem any or all of said bonds as provided in the bonds, such redemption shall be made in pursuance of notice signed by the President of the said Town Council, or signed by the Mayor of "The Town of Smyrna", if at any time the charter of the said "The Town of Smyrna" be amended to provide for the office of Mayor of "The Town of Smyrna" in lieu of the office of President of the Town Council. Such notice shall be published once a week for three consecutive weeks in a newspaper published in the City of Wilmington and State of Delaware, and in a newspaper published in Kent County, Delaware. Such notice shall indicate the bonds so called for redemption and in making such call or calls for redemption said Town Council shall select the bonds to be so called by lot, or in such other manner as the said resolution or resolutions of said Town Council, providing for the issuance of said bonds and as the bonds issued in pursuance thereof, shall state. The interest on bonds so called for redemption shall cease from the redemption date named in any of said calls.

Section 4. The Town Council of "The Town of Smyrna" shall direct and effect the preparation and sale of the bonds which are authorized by this Act at such time or times and upon such terms and in such form as the said Town Council may deem expedient and so provide by resolution or resolutions. All moneys arising from the sale of said bonds shall be used for the purpose of carrying out the provisions of this Act.

Section 5. The form of said bonds, together with any coupons which may be attached thereto, shall be prescribed by resolution or resolutions of said Town Council and said bonds shall be signed by the President of the Town Council of the said "The Town of Smyrna", or by the Mayor of "The Town of Smyrna" if the charter of the said "The Town of Smyrna" be amended changing the pres-

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ent office of President of the Town Council to the Mayor of "The Town of Smyrna", and by the Treasurer of said Town, and sealed with the corporate seal of said municipal corporation. Said bonds shall be exempt from all State, County and Municipal taxes. As said bonds and any coupons attached thereto shall be paid, the same shall be cancelled as said Town Council shall direct. Facsimile signatures of the said President of the Town Council, or of the Mayor of "The Town of Smyrna", as the case may be as aforesaid, and of the Treasurer of said Town, may be imprinted upon any coupons that may be attached to said bonds in lieu of the signature of the said President of Council, or of the Mayor of "The Town of Smyrna", as the case may be as aforesaid, and in lieu of the signature of the Treasurer of said "The Town of Smyrna."

Section 6. The said Town Council of "The Town of Smyrna" is hereby authorized and required to levy and raise by taxation in each year such sum of money that may be required to pay the interest accruing on said bonds, or any of them, while all or any of said bonds remain unpaid, and the said Town Council is further authorized and required to levy and raise by taxation, from time to time, such sum or sums as shall be required to establish a sinking fund adequate for the redemption of said bonds, or any of them, at or before their maturity, and such sum or sums as shall be required to otherwise redeem any or all of said bonds at or before their maturity. Taxes for interest and for redemption of said bonds as aforesaid, shall be levied and raised as taxes for general and municipal purposes in the said Town are levied and raised and shall be in addition to the taxes raised for all or any other purposes.

Section 7. The faith and credit of "The Town of Smyrna" is hereby pledged for the due payment of all of the bonds, and interest thereon, that may be issued under the provisions of this Act.

Section 8. Any bond issued pursuant to this Act may contain a recital that it is issued pursuant to this Act and such recital shall be conclusive evidence of its validity and of the regularity of its issuance.

Approved April 18, 1935.

CHAPTER 178

WILMINGTON

AN ACT PROVIDING FOR APPROPRIATIONS OF CERTAIN MONEYS TO THE SINKING FUND FOR THE PURPOSE OF RETIRING ALL BONDS ISSUED IN THE NAME OF AND BY AUTHORITY OF "THE MAYOR AND COUNCIL OF WILMINGTON."

Be it enacted by the Senate and House of Representatives in General Assembly met (two-thirds of each House concurring therein):

Section 1. That Section 2 of Chapter 146 of Volume 36, Laws of Delaware, approved March 25th, A. D. 1929, be and the same hereby is repealed and the following substituted in lieu thereof.

Section 2. (a) Beginning on the fourth Thursday in August of the fiscal year 1935 and 36, and each year thereafter, "The Council" of "The Mayor and Council of Wilmington" shall make the following appropriations to the Commissioners of the Sinking Fund for the purpose of retiring all bonds issued by "The Mayor and Council of Wilmington":

July 1, 1935, to June 30, 1936	\$421,550.00
July 1, 1936, to June 30, 1937	461,000.00
July 1, 1937, to June 30, 1938	456,250.00
July 1, 1938, to June 30, 1939	452,450.00
July 1, 1939, to June 30, 1940	469,650.00
July 1, 1940, to June 30, 1941	487,600.00
July 1, 1941, to June 30, 1942	503,000.00
July 1, 1942, to June 30, 1943	507,150.00
July 1, 1943, to June 30, 1944	437,150.00
July 1, 1944, to June 30, 1945	467,150.00
July 1, 1945, to June 30, 1946	457,550.00
July 1, 1946, to June 30, 1947	464,450.00
July 1, 1947, to June 30, 1948	469,650.00
July 1, 1948, to June 30, 1949	415,350.00
July 1, 1949, to June 30, 1950	408,500.00
July 1, 1950, to June 30, 1951	376,200.00

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July 1, 1951, to June 30, 1952	383,350.00
July 1, 1952, to June 30, 1953	280,700.00
July 1, 1953, to June 30, 1954	299,750.00
July 1, 1954, to June 30, 1955	412,200.00
July 1, 1955, to June 30, 1956	427,650.00
July 1, 1956, to June 30, 1957	443,700.00
July 1, 1957, to June 30, 1958	460,450.00
July 1, 1958, to June 30, 1959	477,850.00
July 1, 1959, to June 30, 1960	495,900.00
July 1, 1960, to June 30, 1961	514,800.00
July 1, 1961, to June 30, 1962	534,300.00
July 1, 1962, to June 30, 1963	554,700.00
July 1, 1963, to June 30, 1964	146,200.00
October 1, 1964	10,000.00
October 1, 1965	10,000.00
October 1, 1966	10,000.00
October 1, 1967	10,000.00

(b) The said appropriations shall be paid into the hands of the Commissioners of the Sinking Fund and shall be used by said Commissioners of the Sinking Fund for the purpose of retiring the bonds of the said City of Wilmington maturing in the fiscal year on account of which said appropriation is made.

(c) In the event that the appropriation in any fiscal year referred to in Section 2 (a) hereof shall be in excess of the amount of the principal of the face value of the bonds maturing in such fiscal year, the said Commissioners of the Sinking Fund shall invest such excess as hereinafter provided. No part of any of such annual appropriations shall be used by the Commissioners of the Sinking Fund for the purpose of paying the interest on any of the bonds of the said City of Wilmington. Whenever it shall become necessary for the Commissioners of the Sinking Fund to use such excess of appropriations for the purpose of paying bonds of the said City of Wilmington maturing in any particular fiscal year, the Commissioners of the Sinking Fund shall sell such amount of the securities in which such excess of appropriations shall have been invested, which, together with the amount of the appropriation to be made by "The Council" for such fiscal year, will be sufficient to pay the

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principal amount of the bonds of the said City of Wilmington maturing in such fiscal year.

(d) Said sums so appropriated for the security and payment of bonds shall be by said Commissioners deposited in such bank or trust company in the City of Wilmington as the said Commissioners shall designate; and the same shall be withdrawn only upon orders signed by the President and one other member of the Commission together with the City Treasurer. Such funds shall be invested only in securities of the following classes and kinds, viz:

(1) Stocks and bonds and interest-bearing obligations of the United States, for which the faith and credit of the United States are pledged to provide for the payment of the interest and principal thereof, including the bonds of the District of Columbia;

(2) Stocks and bonds and interest-bearing obligations of the State of Delaware and of any other State of the United States, issued pursuant to the authority of the Law relating thereto;

(3) Stocks and bonds of any County of the State of Delaware, and of any County of any State of the United States, issued pursuant to the authority of the Law relating thereto;

(4) Stocks and bonds of any school district of the State of Delaware, issued for school purposes and pursuant to the authority of the Law relating thereto;

(5) Stocks and bonds and interest-bearing obligations of any incorporated city or town of the State of Delaware or of any of the States of the United States, issued pursuant to the authority of the Law relating thereto, for the payment of which the faith and credit of the municipality issuing the same, are pledged; the said Commissioners shall have the right and power to sell said securities or any of them and to reinvest said funds, and any profits arising therefrom shall be deemed a part of the Sinking Fund.

(e) The Sinking Fund Commissioners shall accept any and all sums of money payable into the Sinking Fund by any Ordinance of The Council and shall invest and reinvest the same.

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(f) Any and all premiums received from the sales of bonds of said City shall be paid to the Commissioners of the Sinking Fund by The Council, and the same shall be a part of the Sinking Fund.

(g) Any and all surplus revenues of the Board of Harbor Commissioners after the payment of all operating expenses of the Marine Terminal, including interest, but not including the principal due or to become due upon any bonds issued for or on behalf of the construction of the said Marine Terminal, shall be paid to the Sinking Fund Commissioners and shall become a part of the Sinking Fund.

(h) All bonds which may be issued by The Mayor and Council of Wilmington after the approval of this Act shall mature in equal annual installments within a period of not greater than ten years from the date of issuance thereof.

With respect to any such bonds, the appropriations hereinabove provided shall be increased in any given year to the extent to which this may be necessary to carry out the provisions of this sub-paragraph (h).

(i) In the event the General Assembly of the State of Delaware shall discontinue the appropriations for the payment of school bonds, then "The Council" of "The Mayor and Council of Wilmington" shall increase the appropriations set forth in Section 2 (a) hereof to the extent of the amount of school bonds maturing each year.

Approved March 29, 1935.

CHAPTER 179

WILMINGTON

AN ACT RELATING TO THE BOUNDARIES OF THE MAYOR
AND COUNCIL OF WILMINGTON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each Branch thereof concurring therein):

Section 1. That Section 1 of Chapter 207, Volume 17, Laws of Delaware, approved April 13, A. D. 1883, and all Acts amendatory thereof or supplemental thereto, be and the same are hereby further amended by striking out said Section and inserting in lieu thereof the following:

Section 1. The City of Wilmington shall be bounded as follows:

BEGINNING at a monument upon the present westerly bank of the Delaware River, said monument being located 2688.63 feet easterly from the extension of the center line of Todds Lane (as the latter is established between Bowers Street and Edge Moor Avenue) measured perpendicularly thereto, and 4392.47 feet southerly from the center line of Edge Moor Avenue (as the latter is established between Todds Lane and Eastlawn Avenue) measured perpendicularly thereto; thence northwesterly on a direct line towards the monument located at the intersection of the center lines of Todds Lane and Edge Moor Avenue, a distance of 3200 feet more or less to its intersection with a line drawn perpendicularly to Market Street (as the latter is at present established between Thirtieth and Thirty-sixth Streets) through a point 77 feet northeasterly from the center line of Thirty-sixth Street, measured along the said center line of Market Street; thence northerly perpendicular to Market Street as aforesaid 5500 feet more or less to the northwesterly side of Market Street as the same is established at 65 feet 6 inches in width; thence northeasterly along the said northwesterly side of Market Street 2500 feet more or less to its intersection with the southwesterly property line of the Diamond State Amusement Company, said intersection being approximately 730 feet northeasterly

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from the center line of Forty-third Street, measured along the said side of Market Street; thence north 23 degrees 35 minutes west, along the said property line, a distance of 524.31 feet more or less to a concrete monument; thence north 19 degrees 12 minutes west, along the same property line, a distance of 823.3 feet to a corner of said property; thence north 68 degrees 28 minutes east continuing along the property division line 57.60 feet to a point; thence south 57 degrees 21 minutes east along the property division line 470.2 feet to a point; thence north 26 degrees 26 minutes east along the property division line 264 feet to a point; thence north 18 degrees 1 minute east along the property division line 369.6 feet to a point; thence north 3 degrees 53 minutes east along the property division line 220 feet more or less to the center line of Talley Road, thence northwesterly along the center line of said Talley Road following the various courses and distances thereof to its intersection with the center line of Miller Road; thence southwesterly along the center line of Miller Road following its various courses and distances to its intersection with a line drawn parallel to Thirty-seventh and Thirty-eighth Streets and midway between the said Streets; thence southeasterly parallel to Thirty-seventh and Thirty-eighth Streets and midway between them 1050 feet more or less to a point midway between Harrison and Franklin Streets, as the latter are at present established upon the official map or plan of the City of Wilmington; thence southwesterly along a line midway between Harrison and Franklin Streets 1000 feet, more or less to a point distant 600 feet northeasterly from the northeasterly side of 32nd Street measured at right angles thereto; thence northwesterly parallel to 32nd Street and distant 600 feet northwesterly therefrom 750 feet, more or less, to the northwesterly side of Miller Road; thence southwesterly along the said side of Miller Road 650 feet more or less to the southwesterly side of 34th Street extended (as the same is established between Market and Van Buren Streets; thence northwesterly along the said extension of the said southwesterly side of Thirty-fourth Street 300 feet more or less to the center line of the right of way of the Baltimore & Ohio Railroad); thence in a southwesterly direction following the said center line of the Baltimore & Ohio Railroad right of way 4100 feet more or less to the center line of 18th Street extended, as the latter is established southeast

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of Broom Street; thence westerly at right angles to Concord Avenue and along the present City boundary line 1600 feet more or less to the center line of Brandywine Creek; thence following along the center line of Brandywine Creek in a northerly and westerly direction 7800 feet more or less to its intersection with the extension of the easterly side of Rising Sun Lane; thence southwesterly along the said side of Rising Sun Lane 2600 feet more or less to a point distant 150 feet southwesterly from the southwesterly side of Pennsylvania Avenue measured at right angles thereto; thence southeasterly and parallel to the said side of Pennsylvania Avenue 1900 feet more or less to the northwesterly side of Greenhill Avenue; thence southwesterly along the said side of Greenhill Avenue 1950 feet more or less to the northeasterly side of 7th Street; thence northwesterly along the said side of 7th Street extended 2750 feet more or less to the center line of duPont Road; thence southerly along the center line of duPont Road 2200 feet more or less to the southerly side of Lancaster Avenue extended, as the latter is established between Union Street and Greenhill Avenue; thence southeasterly along the said side of Lancaster Avenue, extended, 2100 feet more or less to the southeasterly side of Greenhill Avenue extended; thence southwesterly along the said side of Greenhill Avenue extended 600 feet more or less to the center line of Linden Street extended, as the latter is established between Van Buren and Union Streets; thence southeasterly along the center line of Linden Street extended 1100 feet more or less to the center line of Woodlawn Ave. extended, as the latter is established between Lancaster and Pennsylvania Avenue; thence southwesterly along the said center line of Woodlawn Avenue extended 2700 feet more or less to the northerly side of the right of way of the P. & R. Railroad; thence southeasterly along the said northerly side of the right of way of the P. & R. Railroad 1400 feet more or less to a point on an extension of the mid distant line between Lincoln and Union Streets; thence northeasterly along said mid distant line and parallel to Union Street 1700 feet more or less to the present City boundary line; thence southerly along the present City boundary line 2800 feet more or less to the center line of Maryland Avenue; thence southerly continuing along the present City boundary line 2200 feet more or less to the center line of the right of way of the main

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line of the Pennsylvania Railroad; thence northeasterly along said right of way center line and along the present City boundary line about 2900 feet to the westerly side of Beech Street extended, as the latter is laid out southerly from and at right angles to Maryland Avenue; thence southerly along the said side of Beech Street extended and along the present City boundary line 2800 feet more or less to a point distant 450 feet southwesterly from the southwesterly side of "F" Street measured at right angles thereto; thence southeasterly parallel to "F" Street 7800 feet more or less to the southeasterly side of the right of way of the New Castle Branch of the P. B. & W. Railroad; thence in a southeasterly direction along the said right of way of the New Castle Branch of the P. B. & W. Railroad to its intersection with the northerly side of the right of way of the P. & R. Railroad; thence south 37 degrees 28 minutes east along the said northerly side of the right of way of the P. & R. Railroad (as the latter is established upon its plans between Stations 155 and 160) and continuing thence south 37 degrees 28 minutes east across the Delaware River to low water mark upon the easterly side of the Delaware River; thence northeasterly along the said low water line of the easterly side of the Delaware River to a point due east of the monument first mentioned upon the westerly bank of the said river; thence due westerly and re-crossing the Delaware River to the monument at the place of BEGINNING.

Within the limits of the territory by this Act included within and made part of the City of Wilmington, The Mayor and Council of Wilmington shall be and is hereby vested with all the powers, rights, privileges and immunities which by law appertain and belong to it as a municipal corporation, and all the laws or ordinances and regulations in force within the limits of the City of Wilmington, as heretofore existing, and not locally inapplicable, shall be extended and applied to the territory comprised within the boundaries as set forth herein.

The real estate by this Act added to and included within the boundaries of the City of Wilmington, and all persons now or hereafter residing within the said boundaries shall be subject to assessment for municipal taxes in the same manner and subject to

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the same rights, rules and restrictions as in other cases within the said City, except that no property situated within that part of the City of Wilmington which shall have become a part of the said City by virtue of this Act shall be taxable until the final determination of the effect of an agreement or compact entered into in the year 1905 between the States of New Jersey and Delaware, known as the compact of 1905, and referred to in the opinion of the Supreme Court of the United States in the case entitled "New Jersey v. Delaware", reported in 291 U. S. 361. The word "determination" as herein used may refer either to agreement between the said States or to a final Court adjudication.

Approved April 11, 1935.

Title Ten

Reformatory Institutions

CHAPTER 180

ADMISSION OF MINORS TO REFORMATORY SCHOOLS

AN ACT TO AMEND 2196 SECTION 5 OF CHAPTER 70 OF THE REVISED CODE OF THE STATE OF DELAWARE RELATING TO MINORS ADMITTED TO REFORMATORY SCHOOLS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That 2196 Section 5 of Chapter 70 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out the word "nine" wherever the same may appear in the Paragraph headed "Third" and inserting in lieu thereof the word "eleven", and further by striking out the word "nine" wherever the same may appear in the Paragraph headed "Fourth" and inserting in lieu thereof wherever the same may appear the word "eleven."

Approved April 12, 1935.

CHAPTER 181

DETENTION HOME

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO PROVIDE A SUITABLE DETENTION HOME FOR JUVENILES FOR THE STATE OF DELAWARE," BEING CHAPTER 228, VOLUME 33, LAWS OF DELAWARE, APPROVED MARCH 27, A. D. 1923.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all members elected to each House concurring therein):

Section 1. That Chapter 228, Volume 23, Laws of Delaware entitled "An Act to Provide a Suitable Detention Home for Juveniles of the State of Delaware" be and the same is hereby amended by striking out all of Section 8 of said Act and inserting in lieu thereof the following to be known as Section 8.

Section 8. That the said, The Council of the Mayor and Council of Wilmington is hereby authorized, empowered, and directed to raise and appropriate and to pay annually to the said Board of Managers of the Detention Home, for the maintenance and operation of the said Detention Home, the sum of Three Thousand Dollars (\$3,000); such sum shall be paid by the Council, in four quarterly payments, beginning on the first day of July, 1935, and annually thereafter.

Section 2. That Chapter 228, Volume 33, Laws of Delaware, be and the same is hereby further amended by striking out all of Section 10 and inserting in lieu thereof the following to be known as Section 10:

Section 10. That the said Levy Court of New Castle County is hereby authorized, empowered and directed to raise and appropriate and to pay annually to the said Board of Managers of the Detention Home the sum of Two Thousand Two Hundred and Fifty Dollars (\$2250); such sum shall be paid by the Levy Court of New Castle County in four quarterly payments, beginning on the first day of July, 1935, and annually thereafter.

Approved March 27, 1935.

CHAPTER 182

INDUSTRIAL SCHOOL FOR COLORED GIRLS
OF DELAWARE

AN ACT APPROPRIATING MONEY TO PURCHASE LAND ENTIRELY SURROUNDED BY LAND OF THE INDUSTRIAL SCHOOL FOR COLORED GIRLS OF DELAWARE.

WHEREAS, Edward L. Richards, Chairman of the Board of Trustees of the Industrial School for Colored Girls of Delaware, has obtained an option to purchase a certain lot, piece or parcel of land, hereinafter described, with the dwelling house and other improvements thereon erected, which said land is entirely surrounded by lands of said School, for the purpose of annexing the same thereto;

AND WHEREAS, the purchase of said land is desired by said Board of Trustees for the purpose of integrating the grounds of said School and preventing encroachments thereupon;

AND WHEREAS, under said option, the purchase of said land may be effected for the sum of Two Thousand Dollars, which is the fair value of said land; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the sum of Two Thousand Dollars be and the same is hereby appropriated to the Industrial School for Colored Girls of Delaware, for the purpose of purchasing the following described land:

ALL those certain lots, pieces or parcels of land, situate in Christiana Hundred, "New Castle County and State of Delaware, and known as lots Nos. 5, 6, 7, 8, 9, Section 7, to a depth of two hundred feet, on Plot of "Meadowbrook", recorded in the office for the Recording of Deeds, in and for New Castle County and State of Delaware, in Deed Record O, Volume 29, Page 601, &c., bounded and described as follows, to-wit: Beginning at a point

INDUSTRIAL SCHOOL FOR COLORED GIRLS OF DELAWARE

on the Northerly side of Woodward Avenue at the distance of one hundred feet Westerly from the Westerly side of Second Avenue; thence Northerly, parallel with Second Avenue, two hundred feet to a point; thence Westerly, parallel to Woodward Avenue, one hundred and twenty-five feet to a point; thence Southerly, parallel with Second Avenue, two hundred feet to the said Northerly side of Woodward Avenue; and thence thereby Easterly one hundred and twenty-five feet to the place of beginning.

Section 2. That the Board of Trustees of the Industrial School for Colored Girls of Delaware obtain from the owner of the above described land sufficient deed or deeds conveying said land unto the State of Delaware in fee simple.

Section 3. That this Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid to the said School by the State Treasurer, upon warrant or warrants according to law, out of the Special Fund, at the Farmers' Bank of the State of Delaware, at Dover, consisting of money received from the sale of bonds authorized by an Act of the General Assembly of the State of Delaware, entitled, "AN ACT AUTHORIZING THE BORROWING OF MONEY AND THE CREATION OF A DEBT BY OR IN BEHALF OF THE STATE OF DELAWARE, FOR THE ERECTION, REPAIRS AND IMPROVEMENTS OF BUILDINGS AT INSTITUTIONS OF THE STATE, AND THE ISSUANCE OF BONDS THEREFOR", approved
A. D. 1935.

Approved April 18, 1935.

CHAPTER 183

DELAWARE INDUSTRIAL SCHOOL FOR GIRLS

AN ACT TO AMEND PARAGRAPH 2204, SECTION 13 OF CHAPTER 70 OF THE REVISED CODE OF THE STATE OF DELAWARE, RELATING TO ADMISSION OF GIRLS TO THE DELAWARE INDUSTRIAL SCHOOL FOR GIRLS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That 2204, Section 13 of Chapter 70 of the Revised Code be and the same is hereby amended by striking out the first paragraph of said section and substituting in lieu thereof the following:

It shall be lawful for the said corporation, it assenting thereto, to receive into its charge, custody or guardianship, any girl not over eighteen nor under eleven years of age when committed thereto in any one of the following modes:

Section 2. That paragraph "third" of 2204, Section 13 of Chapter 70 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out said paragraph "third", and substituting in lieu thereof the following.

Third: No girl over the age of eighteen years, nor under the age of eleven years may with its assent be committed to the charge, custody or guardianship of said Corporation, by the Court of General Sessions in and for any County of this State, the Judge of any Municipal Court in this State or by any Justice of the Peace of this State, upon conviction of vagrancy or other criminal offense before them, or upon acquittal of such girl, if the Court, Judge or Justice of the Peace, upon testimony, shall consider her a proper subject for the said Corporation; such commitment shall be until discharged by the said Corporation according to its rules and regulations; and any girl under the age aforesaid, against whom a crime, other than murder or arson, is charged before a Grand Jury, if the charge is supported by sufficient evidence to put her on trial, on the recom-

DELAWARE INDUSTRIAL SCHOOL FOR GIRLS

mentation of the Grand Jury and without presenting an indictment, may, with the assent of said Corporation, be committed by the Court to the charge, custody or guardianship of said Corporation until discharged by the said Corporation according to its rules and regulations, or until she reaches the age of twenty-one years, whichever shall first occur.

Approved April 22, 1935.

Title Eleven

Education

CHAPTER 184

BONDS OF SCHOOL DISTRICTS AND SPECIAL SCHOOL DISTRICTS

AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF CERTAIN SCHOOL BONDS MATURING DURING THE FISCAL YEARS BEGINNING JULY 1, 1935, AND ENDING JUNE 30, 1937.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That there is hereby appropriated, out of any monies in the State Treasury to the credit of the School Fund not otherwise appropriated, the sum of One Hundred and Thirty-nine Thousand One Hundred and Fifty Dollars and Twenty-four Cents (\$139,150.24), or so much thereof as may be necessary, for the purpose of paying the principal of certain school bonds issued by certain of the School Districts and Special School Districts of this State, and maturing during the fiscal year beginning July 1, 1935, and ending June 30, 1936; and there is hereby further appropriated, out of any monies in the State Treasury to the credit of the School Fund not otherwise appropriated, the sum of One Hundred Twenty-three Thousand Nine Hundred Thirty-two Dollars (\$123,932.00), or so much thereof as may be necessary, for the purpose of paying the principal of certain school bonds, issued by such School Districts or Special School Districts and maturing during the fiscal year beginning July 1, 1936, and ending June 30, 1937.

Section 2. The names of said School Districts and Special School Districts and the respective amounts of the bonds maturing

BONDS OF SCHOOL DISTRICTS AND SPECIAL
SCHOOL DISTRICTS

during said two fiscal years respectively, referred to in Section 1 of this Act, for which said monies are appropriated, are as follows:

FREE SCHOOLS

PAYMENT OF CERTAIN SCHOOL BONDS

Name of School District or Special School District	Year of Issue	Amount of principal of bonds ma- turing during fiscal year beginning July 1, 1935 and ending June 30, 1936	Amount of principal of bonds ma- turing during fiscal year beginning July 1, 1936 and ending June 30, 1937
NEW CASTLE COUNTY			
Arden	1924	500.00	500.00
Christiana	1934	800.00	1,000.00
Claymont	1922	11,000.00	11,000.00
Claymont	1928	4,000.00	4,000.00
Delaware City	1929	1,000.00	1,000.00
Eden	1934	503.00	500.00
Hockessin	1931	1,000.00	1,000.00
Marshallton	1931	1,000.00	1,000.00
Middletown	1928	2,832.00	2,832.00
Mt. Pleasant No. 2	1931	3,000.00	3,000.00
Newark	1923	6,000.00	6,000.00
New Castle	1928	2,000.00	2,000.00
Newport	1932	1,000.00	1,000.00
Oak Grove No. 130	1927	1,800.00	1,800.00
Odessa	1934	1,300.00	1,000.00
Richardson Park	1924	3,400.00	3,400.00
Rose Hill	1928	1,000.00	1,000.00
Stanton	1928	1,000.00	1,000.00
Townsend	1932	1,000.00	1,000.00
Yorklyn	1931	1,000.00	1,000.00
Wilmington	1915	15,000.00	None
Wilmington	1924	30,000.00	30,000.00
Wilmington	1925	None	None

BONDS OF SCHOOL DISTRICTS AND SPECIAL
SCHOOL DISTRICTS

FREE SCHOOLS

KENT COUNTY

Caesar Rodney	1916	1,000.00	1,000.00
Caesar Rodney	1929	1,500.00	1,500.00
Clayton	1929	1,000.00	1,000.00
Dover	1923	8,000.00	8,000.00
Dover	1925	1,000.00	1,000.00
Farmington	1929	300.00	300.00
Felton	1928	1,000.00	1,000.00
Frederica	1930	1,000.00	1,000.00
Harrington	1911	2,000.00	2,000.00
Harrington	1928	500.00	500.00
Harrington	1933	1,000.00	1,000.00
Kenton	1932	500.00	500.00
Leipsic	1929	200.00	200.00
Magnolia	1934	517.00	500.00
Milford	1928	3,000.00	3,000.00
Smyrna	1929	2,500.00	2,500.00

SUSSEX COUNTY

Bridgeville	1929	2,000.00	2,000.00
Delmar	1927	1,000.00	1,000.00
Delmar	1934	1,000.00	1,000.00
Ellendale	1928	1,000.00	1,000.00
Georgetown	1928	3,000.00	3,000.00
Georgetown	1934	1,098.24	1,000.00
Greenwood	1930	1,000.00	1,000.00
Gumboro	1927	500.00	500.00
John M. Clayton	1931	1,000.00	1,000.00
Frankford-Dagsboro Consolidation			
Laurel	1927	2,000.00	2,000.00
Lewes	1922	2,000.00	2,000.00
Lincoln	1930	700.00	700.00
Lord Baltimore	1931	1,000.00	1,000.00
Millsboro	1927	1,000.00	1,000.00
Milton	1931	2,500.00	2,500.00

BONDS OF SCHOOL DISTRICTS AND SPECIAL
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Rehoboth	1924	500.00	500.00
Roxana	1934	400.00	400.00
Selbyville	1926		
Selbyville	1931	2,000.00	2,000.00
Sycamore	1934	300.00	300.00
Total		\$139,150.24	\$123,932.00

Section 3. The State Treasurer is hereby authorized and directed to pay the several sums hereby appropriated to the holders of bonds described in Section 2 hereof when and as the same shall fall due within the respective fiscal years referred to, upon presentation to him of said bonds.

Section 4. No part of the monies hereby appropriated shall be used for the payment of any interest of any of said bonds, or for any purpose other than the payment of the principal, of the bonds listed and described in Section 2 of this Act.

Section 5. The several Boards of Education and other taxing bodies, if any, of the several School Districts and Special School Districts listed in Section 2 of this Act are hereby expressly relieved from the duty of levying and collecting any taxes for the purpose of paying the principal amount of the said bonds listed and described in Section 2 of this Act; and no such tax shall be levied or collected for the purpose of paying the principal of the bonds mentioned and described in said Section 2 during the two fiscal years aforesaid; provided that nothing herein contained shall be construed as relieving said School Districts or Special School Districts of the payment of interest upon said bonds.

Approved March 8, 1935.

CHAPTER 185

NOTICES TO TEACHERS

AN ACT TO AMEND AN ACT ENTITLED "AN ACT REQUIRING THE BOARDS OF SCHOOL TRUSTEES AND BOARDS OF EDUCATION OF SPECIAL SCHOOL DISTRICTS TO GIVE TO TEACHERS, PRINCIPALS OR SUPERINTENDENTS, AFTER TWO YEARS OF SERVICE, ITS REASONS IN WRITING FOR TERMINATING A TEACHER'S, PRINCIPAL'S OR SUPERINTENDENT'S SERVICE", BEING CHAPTER 140, VOLUME 38, LAWS OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Act entitled "An Act Requiring the Boards of School Trustees and Boards of Education of Special School Districts to give Teachers, Principals or Superintendents, After Two Years of Service, Its Reasons in Writing for Terminating a Teacher's, Principal's or Superintendent's Service," Being Chapter 140, Volume 38 of the Laws of Delaware, be and the same is hereby amended by striking out and repealing all of Section 1 and 2 thereof.

Section 2. That the said Act be and the same is hereby further amended by adding the following new section, which shall be styled Section 1, as follows:

Section 1. Upon and after the approval of this Act, in the event that any Board of School Trustees, or the Board of Education of any Special School Districts, of the State of Delaware, desires to dispense with the services of any Teacher, Principal or Superintendent, such Board of School Trustees or Board of Education of the Special School District, as the case may be, shall give notice in writing to such Teacher or Principal or Superintendent, on or before the first day of May of any year, that the said Teacher's, Principal's or Superintendent's services will be terminated at the end of such school year.

Approved March 11, 1935.

CHAPTER 186
SCHOOL BUILDINGS

AN ACT TO PROVIDE IMPROVED SCHOOL BUILDINGS, SCHOOL GROUNDS AND SCHOOL EQUIPMENT IN THE SCHOOL DISTRICTS OF THIS STATE, AND RELATING TO THE COST THEREOF AND MAKING APPROPRIATION OF CERTAIN STATE MONEYS IN CONNECTION THEREWITH.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. The State Treasurer is hereby directed to set aside immediately from moneys in his hands to the credit of the School Fund in a special account in the Farmers Bank of the State of Delaware to be known as the "State School Building Account" the sum of One Hundred Thousand Dollars (\$100,000.00).

The said State School Building Account shall be credited with interest when and to the same extent as the said Bank credits interest on deposits of other State moneys in said Bank.

Two-fifths of the money deposited in the State School Building Account by the State Treasurer as aforesaid, together with interest as aforesaid, shall be devoted to school building improvements in the consolidated school districts in the City of Wilmington and the remainder, or so much thereof as may be necessary, shall be devoted to school building improvements in the districts in the State outside of the City of Wilmington and to the expense of carrying the provisions of this Act into effect.

The term "improvement" and the term "school building improvement" where used in this Act shall be deemed and construed to mean new school buildings, and, or school grounds, and, or additions to, alterations or remodeling of old school buildings, or additional school grounds, and the furnishing and equipping thereof.

Section 2. The State Board of Education shall as soon as practicable after the adoption of this Act, prepare a tentative pro-

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gram for school building improvements for such of the school districts and special school districts in this State, outside of the consolidated school districts in the City of Wilmington, wherein the existing school buildings and, or school grounds are inadequate or unhygienic.

The State Board of Education shall submit to the Board of School Trustees or the Board of Education of each district included in the said program the general character and nature of the school building improvements proposed for such district and shall hear the comments and suggestions thereon of the members of such Board.

The State Board of Education shall submit to the School Building Commission which already exists or hereafter in this Act is created of each particular district, its aforesaid school building program for such district. The School Building Commission under this Act created shall be composed of four members of the State Board of Education and four members to be elected by the voters of each district at the same time as the bonds herein provided are authorized, said members to serve during the life of the said School Building Commission for said district. In case of the death of one of the members elected to said School Building Commission, the surviving members of said Commission shall appoint some suitable person to fill the vacancy thereby created.

The said four members elected as hereinafter provided, to the said School Building Commission, shall have equal authority and power to act in all respect as have the four members of the State Board of Education who are hereby made members of the said School Building Commission.

Section 3. No school district or special school district in this State, except the consolidated school districts in the City of Wilmington, shall have any portion of the cost of any school building improvement in such district accomplished under the provisions of this Act paid for out of moneys in the State School Building Account aforesaid, unless such district shall contribute such sum of money toward the payment of the cost of such school building im-

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provement as the State Board of Education shall assign as the contribution of said district. The amount to be contributed by a district as aforesaid shall be determined by the State Board of Education as follows: Where no school building improvements have been made in the district since the first day of January, 1900, the contribution of the district toward the cost of school building improvements under this Act shall be a sum equal to two per centum of the assessed value of the real and personal property in such district as shown by the county assessment in force during the year 1919. Where any school building improvements have been made in any district since January 1, 1900, the contribution of the district toward the cost of school building improvements shall be a sum equal to two per centum of the assessed value of the real and personal property in such district as shown by the county assessment in force during the year 1919, less the aggregate amount of the bonds of the district issued since the year 1900 (without regard to whether any or all of the bonds have been paid). Provided, however, that no district shall have credit for bonds which have been paid by the State. Where school building improvements have been made aforesaid, the State Board shall make the deductions as aforesaid and the remainder, if any, shall constitute the amount which the district must contribute toward the payment of the cost of the school building improvement in such district in order to obtain the benefit of the provisions of this Act. Provided that in any case where school building improvements have been made, as aforesaid, and the district bonded to an amount equal to two per centum of the assessment in force during the year 1919 (without regard to whether any of the bonds have since been paid) the entire cost of the school building improvement in such district shall be paid for out of moneys in the State School Building Account aforesaid. And provided, further, that when and if the State Board of Education shall decide that a Junior and Senior High School or a Senior High School or a four-year High School providing accommodations for high school pupils from four or more attendance districts, shall be constructed or shall be added to or improved, then and in either of such cases, it shall not be necessary for the districts so to be served to raise two per cent of the 1919 assessment as in other cases specified in this Act, but the entire cost of such school building improve-

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ment for such districts shall be paid for out of moneys in the School Building Account aforesaid. No bond issued under the provisions of this Section shall come due before July 1, 1936.

Section 4. The State Board of Education shall, as soon as practicable, notify the Board of School Trustees or Board of Education of each district in the State (except the consolidated school districts in the City of Wilmington) wherein a school building improvement under the provisions of this Act is contemplated, of the probable cost of such improvement and of the amount of money, if any, that such district will be expected to contribute toward the cost thereof. Every such Board shall, within one month thereafter, adopt by a majority vote of said Board, a resolution for or against the contemplated improvement in that district and shall forthwith transmit to the State Board of Education a copy of such resolution certified to by the Clerk or Secretary of the Board.

If the resolution adopted by any board as aforesaid be against the proposed school building improvement, the State Board of Education may, in its discretion, make and submit to such local Board a new or modified plan of the school building improvement in such district, and in such case the local board shall forthwith adopt by a majority vote of the members thereof a resolution for or against such new or modified plan and shall immediately thereafter transmit a copy of such resolution to the State Board of Education. If the local Board shall not adopt a resolution favorable to the school building improvement, whether as originally contemplated or as subsequently modified by the State Board of Education for such district, such improvement shall not be made under the provisions of this Act; provided that if the local board shall be petitioned in writing by twenty-five of the voters of such district so to do, the matter shall be submitted to the voters of the district at a special election to be called, held and conducted as provided by Section 54, Chapter 160, Volume 32, Laws of Delaware, as amended, except that in the advertisement and notices of the election, it shall be sufficient to state in substance that a referendum on the subject of a school building improvement in the district will be held on a specified day at a specified place between specified hours, and except also that the ballots of such special election shall be marked,

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"for the school building improvement", or "against the school building improvement", and if a majority of the ballots cast at such special election shall be for the school building improvement, the result of such election shall be equivalent to and have the same effect as a resolution of the local board of the district favorable to the school building improvement.

Section 5. In every case where the contemplated improvement involved an assumption by the district of any portion of the cost thereof, the Board of Education or the Board of School Trustees of the district shall as soon as practicable after the adoption of a resolution for the school building improvement, or after a referendum favorable to the improvement under Section 4 of this Act, proceed to raise the amount of money required as the district's share of the cost of the improvement aforesaid by the issue and sale of bonds precisely as specified in Section 53 of the Act entitled, "An Act to provide for the establishment and maintenance of a general and efficient system of free public schools", approved March 31, 1921, as amended (the said local board having first taken the procedure specified in said Section 53 to authorize the issue of bonds) and all the provisions of said Section 53 shall be deemed and held applicable to every such case aforesaid precisely as if the provision of said Section 53 were repeated herein; provided, however, that every such Board of Education or Board of School Trustees may accept and receive gifts for all or any portion of the amount required to be contributed by the district toward the cost of the school building improvement therein and in such case it shall not be necessary to proceed under the provisions of Section 53 as aforesaid except to the extent of any difference, if any there be, between the aggregate of such gifts and the amount required to be contributed by the district toward the cost of the school building improvement therein.

If the district shall through its local board within three months after the approval of the school building improvement therein by a resolution of the local board or by a referendum as provided in Section 4 of this Act pay to the State Treasurer the full amount required as its contribution to the cost of the school building improvement therein, the State Board of Education shall direct the

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School Building Commission which already exists, or hereinafter in this Act is created, to proceed with the work necessary to accomplish such school building improvement.

In the case of any district which is not required under the provisions of this Act to make any contribution toward the cost of the school building improvement therein, the State Board of Education is authorized upon the receipt of a certified copy of a resolution in favor of such improvement, adopted by a majority vote of the School Trustees or Board of Education of such district, to direct the School Building Commission to proceed with the work necessary to accomplish such improvement.

Section 6. The moneys paid to the State Treasurer by each district as its contributions to the cost of the school building improvement therein under the provisions of this Act, shall be deposited by the State Treasurer in the Farmers Bank of the State of Delaware in a special account to be known as the "School Building Account for District..... in County." Every such special account shall be credited with interest when and to the same extent as the said bank credits interest on deposits of State moneys in said bank. The moneys in the respective special accounts aforesaid shall be devoted to the cost of the school building improvements of the district for which the special account was opened. The moneys in the said special school building accounts of the several districts shall be subject only to the check or order of the State Treasurer.

Section 7. On the application of the State Board of Education or the Board of Education or Board of School Trustees of a district, it shall be the duty of the Board of Assessment of the County in which a school building improvement is to be made, to cause to be made from the assessment records of the County or Counties in which the district is located, a list of all the taxables of the district, the property of each taxable and the assessed value thereof for the year 1919, and shall deliver the same to the State Board of Education or to the local board of the district; such list shall constitute the assessment list of such district for the purpose of this Act and on which the two per cent bond issue herein provided shall be

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based; provided that the Board of Assessment be furnished with a true and correct description of the boundaries of the district in question.

Section 8. That there is hereby created a Commission to be known as "School Building Commission" for each district (in which a School Building Commission does not already exist under authorization of previous Acts of the General Assembly) in which such improvements are made under the provisions of this Act to be composed of eight members, four of whom shall be members of the State Board of Education, who shall be designated by the President of the said State Board to serve in this capacity, and four of whom shall be elected in each district at the same election at which the bond issue in such district is authorized (as hereinbefore in this Act provided).

Provided, however, that in case a district shall have passed by a majority vote of the taxables since the year 1919 a referendum authorizing an issue of bonds for school improvement such as are contemplated in this Act and no additional referendum is required therefor, then, and in that case, a special election of the voters of the said district shall be held for the selection of four residents and legal voters of the said district, who shall constitute the local membership of the School Building Commission of the district. Such election shall be held in accordance with the same provisions as those set up for the holding of a bond election as set forth in Section 5 of this Act, except that the ballots used shall have printed or written thereon the names of at least four candidates to serve as members of the said Commission. The four candidates who shall receive a majority of all votes cast as such election shall constitute the local membership of the Commission, as aforesaid.

And provided, further, that if a School Building Commission as authorized in former Acts of the General Assembly is already in existence in such district, no new Commission under the provisions of this section shall be necessary.

Section 9. No act of the School Building Commission for any district shall be binding unless a majority of the members of the Commission herein provided shall concur therein.

SCHOOL BUILDINGS

The members of the said Commission in each of said districts shall receive no compensation for their services but all members of the said School Building Commission, for any district, shall be paid their actual expenses incurred while engaged in the affairs of the Commission.

Section 10. Whenever it is desired by the State Board of Education the said School Building Commission in any district or districts shall cause to be prepared such plans and details for the accomplishment of any improvements in the school building program of the State Board of Education as shall be necessary or proper for the construction thereof.

All plans and details prepared by or under the order of any School Building Commission for any district shall be approved by a majority of the members of said Commission before its adoption.

Before any School Building Commission shall undertake to carry out any particular school building improvement or to make any contract therefor, the said Commission shall ascertain the cost of such improvement. If the State Board of Education shall deem the cost of such improvement to be in excess of the amount which is or may be available under the provisions of this Act for such improvement, then the said School Building Commission may modify the proposed improvement until plans and details have been made for an improvement which will not be greater than the amount available as aforesaid.

Section 11. It shall be the province and duty of the School Building Commission for any particular district or districts to cause the school building improvements authorized by the State Board of Education and approved by said School Building Commission under the provisions of this Act to be constructed.

The said Commission shall have power to make and enter into all contracts for the construction of the improvements aforesaid, and for labor, materials, supplies, instrumentalities, furniture and equipment required to accomplish any such improvement, provided that no improvement shall be made involving an expenditure of

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Five Hundred Dollars or more, unless the same shall be advertised and the contract given to the lowest and best bidder therefor, the said Commission reserving the right to reject any and all bids.

The School Building Commission in each district shall supervise or cause to be supervised by some one or more of its employees the work of the construction of any improvement as aforesaid.

Section 12. The Secretary of the State Board of Education shall be the general secretary of all the School Building Commissions that have in charge the construction or improvement of all the school buildings of the State under the provisions of this Act, except those in the consolidated school districts of the City of Wilmington, and as such secretary, he shall be the accountant of each Commission and the said Commission shall cause its Secretary to inaugurate and maintain a system of accounting which shall show in detail the expenditures of each Commission, the cost of each school building improvement, and such other details as the State Board of Education from time to time may require.

The various School Building Commissions shall have power to employ an engineer or engineers and an architect or architects and such other employees as the various School Building Commissions shall deem essential to the proper and expeditious performance of its duties under this Act, and to fix their salaries and their length of service and to dismiss them for any cause which the various School Building Commissions shall deem sufficient. The School Building Commission in each district shall have power to do all things requisite or proper for the execution of the duties of said Building Commission throughout the State.

Section 13. The said School Building Commissions may require bonds from any of their employees and from all persons contracting for the construction of school building improvements authorized by the said School Building Commissions under this Act and from all persons contracting for labor, or materials, supplies, instrumentalities, furniture and equipment in the accomplishment of any school building improvement under this Act.

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Section 14. All bills for the expenses of the said School Building Commissions and for the salaries of their employees and for the cost of each school building improvement authorized under this Act must be marked "approved" and such approval signed by the Chairman or Vice-Chairman and attested by the Secretary or Acting Secretary of said Commission.

Section 15. The School Building Commissions shall have no jurisdiction over nor any duties with regard to any school building improvement in the consolidated school districts in the City of Wilmington.

Section 16. Three-fifths of the moneys deposited in the State School Building Account by the State Treasurer provided in Section 1 of this Act, together with interest thereon as provided in Section 1 of this Act (or so much thereof as may be necessary) are to be devoted to the following purposes and none other, namely, to the payment of the expenses of the School Building Commissions created by this Act or already in existence and to the salaries and compensations of their employees (including their engineers and architects) and to the cost of the school building improvements authorized under the provisions of this Act.

The State Board of Education shall certify to the State Auditor and also to the State Treasurer the amount of money which the school building improvement in each district outside of the City of Wilmington will cost and what portion of said amount is to be paid out of the State School Building Account and what portion to be paid out of the special school building account of the district.

The School Building Commissions shall, when and as funds are required (and not until then) for the payment of the expenses of said Commissions, its engineers, architects or other employees, or for the payment of the cost of school building improvements authorized under this Act draw warrants on the State Treasurer for the moneys required signed by the Chairman or Vice-Chairman and attested by the Secretary or Acting Secretary of said Commissions, and deliver the same to the State Auditor, who shall thereupon deliver them to the State Treasurer, and the State Treasurer shall pay

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the same. In paying warrants as aforesaid, the State Treasurer shall be governed by the certificate of the State Board of Education hereinbefore provided as to the cost of the school building improvements in the respective districts included in the school building program of the State Board of Education and as to what portion of said cost shall be paid out of the State School Building Account and what portion thereof out of the special school building account of the district.

Section 17. Two-fifths of the moneys deposited in the State School Building Account by the State Treasurer as provided in Section 1 of this Act, together with interest thereon as provided in Section 1 of this Act (or so much thereof as may be necessary) shall be devoted to school building programs in the City of Wilmington.

The construction of school building programs in the City of Wilmington shall be within the exclusive jurisdiction of the Board of Public Education in Wilmington. The said Board of Public Education is authorized and empowered to make all contracts and do all things necessary or proper to secure such programs in the City of Wilmington, provided that the cost thereof shall not exceed in the aggregate the aforesaid two-fifths of the moneys deposited in the State School Building Account by the State Treasurer as provided in Section 1 of this Act, together with interest thereon as provided in Section 1 of this Act.

The Board of Public Education in Wilmington shall when and as funds are required (and not until then) for the payment of the cost of school building programs in the City of Wilmington draw warrants on the State Treasurer for the moneys required signed by its President or Vice-President and attested by its Secretary or Acting Secretary and deliver the same to the State Auditor, who shall thereupon deliver them to the State Treasurer, and the State Treasurer shall pay the same out of the State School Building Account aforesaid up to (and not in excess of) the proportion of the moneys in the said State School Building Account to be devoted to School Building Programs in the City of Wilmington as hereinbefore stated.

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The Board of Public Education in Wilmington shall keep accurate detailed accounts of the cost of each improvement made in the City of Wilmington under the provisions of this Act and of all moneys expended by said Board therefor. Such accounts shall be deemed to be public records.

Section 18. The State Board of Education is authorized and empowered, in its discretion, to extend the time in any case where a time limit is set in this Act.

Section 19. No money in the State School Building Account or in any of the special accounts for school building improvements in the various districts in this Act provided for shall revert by reason of lapse of time, provided that when the State Board of Education shall certify to the State Treasurer that the school building improvements contemplated by this Act have been accomplished, that then any money remaining in the State Building Account shall be withdrawn by the State Treasurer from such account and deposited in the school fund.

It shall be the duty of the State Board of Education and of the Board of Public Education in Wilmington to see that the school building improvements within their respective jurisdictions under this Act are carried out with all reasonable dispatch.

Section 20. Whenever land shall be required for the accomplishment of any improvement under this Act in the consolidated school districts in the City of Wilmington, the Board of Public Education in Wilmington is authorized to select and acquire such land. And whenever land shall be required for the accomplishment of any improvement under the Act in any Special School District outside of Wilmington, the School Building Commission of such Special District is authorized to select and acquire such land. And whenever land shall be required for the accomplishment of any improvement under this Act in any other school district in this State, the local "School Building Commission" is authorized to select and acquire such land.

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Such land may be acquired by contract with the owner or owners thereof at a fair value or by condemnation proceedings instituted by the appropriate official body.

The cost of such lands shall be deemed to be a part of the cost of the school building improvement and shall be paid for as hereinbefore directed with regard to the cost of school building improvements.

The title to any such lands acquired in any manner whatever shall be a fee simple title and shall be vested in the State Board of Education, except that the title to lands so acquired in the City of Wilmington or in any Special School District shall be vested in the Board of Public Education in Wilmington or in the Board of Education of the said Special School District, as the case may be.

Condemnation proceedings to acquire land as aforesaid in any case where such land cannot for any reason be acquired by contract with the owner or owners thereof for a fair or reasonable consideration, may be instituted by the appropriate official body under the provisions of Section 52 of an Act entitled, "An Act to provide for the establishment and maintenance of a general and efficient system of free public schools," approved March 31, 1921, as amended.

Approved April 15, 1935.

CHAPTER 187
SCHOOL BUDGET

**AN ACT MAKING APPROPRIATION FOR THE SCHOOL BUDGET
FOR THE SCHOOL YEARS BEGINNING RESPECTIVELY JULY
1, 1935, AND JULY 1, 1936, AND ENDING RESPECTIVELY
JUNE 30, 1936, AND JUNE 30, 1937.**

*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met:*

Section 1. That there is hereby appropriated the sum of Three Million Four Hundred Eighty-eight Thousand One Hundred Twenty-eight Dollars (\$3,488,128.00) for the School Budget hereinafter described for the school year beginning July 1, 1935, and ending June 30, 1936, and there is hereby further appropriated the sum of Three Million Four Hundred Eighty-eight Thousand One Hundred Twenty-eight Dollars (\$3,488,128.00) for the said School Budget for the school year beginning July 1, 1936, and ending June 30, 1937, and the amount hereby appropriated for each of the said years shall be paid by the State Treasurer out of any moneys which shall accrue to the State Treasury for school purposes from any sources so designated by law.

Section 2. The State Treasurer is hereby directed to pay the amounts appropriated in this Act on warrants of the State Board of Education as provided by statute, with the following further restrictions upon the expenditure of the same:

"GENERAL CONTROL" not more than five per centum, provided that the State Board of Education in making its distribution of this item may reserve not more than two per centum of the total budget for the functions of the State Board, its offices, officers and employees;

"INSTRUCTIONAL SERVICE" not less than seventy per centum;

"OPERATION" not more than eleven per centum;

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"MAINTENANCE" not more than five per centum;

"AUXILIARY AND CO-ORDINATE ACTIVITIES" not more than eleven per centum; provided that the State Board in making the distribution of this item is authorized to reserve first, not more than eight and six-tenths per centum of the total budget for transportation of pupils; and second, not more than one per centum of the total budget for the following activities: Oratorical and Declamation Association, Adult Education, a teacher in Sunny-side Preventorium and a teacher in Brandywine Sanitorium.

"FIXED CHARGES" not more than one and five-tenths per centum;

"CAPITAL OUTLAY" not more than two per centum;

"DEBT SERVICE" no part of the total;

"FOR matching the appropriation of the Federal Government for Vocational Education" not less than Twenty Thousand Dollars (\$20,000.00).

Section 3. The term "GENERAL CONTROL" as used in Section 2 shall include the following expenditures:

(a) Salaries and expenses of the members of the State Board of Education and the expenses of the business office.

(b) Salaries of Superintendents and their traveling expenses and the administrative part of the salaries of Superintendents of Special Districts.

(c) Compulsory attendance and school census.

(d) School election expenses.

The term "INSTRUCTIONAL SERVICE" as used in Section 2 shall include the following expenditures:

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- (a) The Supervisional part of salaries of Superintendents and Supervisors and their expenses.
- (b) Salaries of Principals and Teachers.
- (c) Textbooks and Professional Books for Teachers.
- (d) Supplies and other materials of instruction
- (e) Tuition paid to other boards.
- (f) Other instructional costs, including school libraries.

The term "OPERATION" as used in Section 2 shall include all expenditures for janitors and engineers, fuel, water, light and power, care of grounds, rent, supplies and other operating expenses.

The term "MAINTENANCE" as used in Section 2 shall include all expenditures for the upkeep of grounds, repair of buildings, repair and replacement of equipment, repair and replacement of apparatus and other maintenance.

The term "AUXILIARY AND CO-ORDINATE ACTIVITIES" as used in Section 2 shall include all expenditures for Transportation of Pupils, Vocational Teacher-Training, Americanization, Adult Education, Promotion of Health, salaries of teachers at Sunnyside Preventorium and Brandywine Sanitorium, expenses of teachers' and trustees' meetings, and other auxiliary activities.

The term "FIXED CHARGES" as used in Section 2 shall include all expenditures for Insurance and Premiums paid for workmen's compensation insurance.

The term "CAPITAL OUTLAY" as used in Section 2 shall include all expenditures for grounds, new buildings and alterations (other than repairs), new equipment and apparatus.

Section 4. Each year after the sums for the State-wide activities hereinbefore mentioned have been deducted from the total

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amount set forth in Section 1, the remainder shall be divided among the following divisions, to wit: The State board, the City of Wilmington, and the various Special School Districts of the State, according to their respective enrollments, the amounts for each to be calculated as follows:

1st. Multiply Eighty-one Dollars (\$81.00) by the number of pupils enrolled in grades ten, eleven and twelve during the previous school year.

2nd. Multiply Seventy-four Dollars Twenty-five Cents (\$74.25) by the number of pupils enrolled in grades seven, eight and nine during the previous school year.

3rd. The remainder shall be divided among the said divisions in the proportion which the net enrollment in grades one to six, inclusive, during the previous school year in each of these divisions bears to the total net enrollment in said grades during the said school year in all of the said divisions.

Net enrollment of pupils shall be calculated on the basis of the following conditions:

(a) To be counted enrolled a pupil must attend twenty or more school days in a public school in Delaware.

(b) In case a pupil transfers from one school to another in Delaware: (1) he shall be counted as enrolled in the school in which he attends the largest number of days; (2) if he attends the same number of days in each of two or more schools he shall be counted as enrolled in the school which he last attended.

(c) In case of a continuation school where pupils are required to attend fewer than five days a week the enrollment in such a school shall be multiplied by one-fifth times the number of days the pupil is required to attend school per week.

Section 5. After the first of June of any year the State Board of Education is authorized to transfer any amount that will not be

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needed by one of the aforesaid divisions from the credit of such division to that of another which may show a deficiency, provided the Board of Education whose allotments are affected by such transfer agree thereto, and further provided, that the expenditure of any sum or sums so transferred shall be subject to the percentage limitations in Section 2 of this Act.

Section 6. In addition to the amounts appropriated in Section 1, there is hereby further appropriated the additional sum of Ninety-seven Thousand Dollars (\$97,000.00) for the school year beginning July 1, 1935, and ending June 30, 1936, and the further sum of Twenty-two Thousand Dollars (\$22,000.00) for the school year beginning July 1, 1936, and ending June 30, 1937. The said amounts shall be allotted by the State Board of Education to those of the aforesaid divisions which shall have extra school costs by reason of the opening and maintaining of new buildings; and the amount appropriated by this section, for each of the said years, shall be paid by the State Treasurer, on warrants of the State Board of Education, as provided by statute, out of any moneys which shall accrue to the State Treasury for school purposes from any source so designated by law.

"Section 7. In addition to the sums hereinbefore appropriated there is hereby further appropriated for the school year beginning July 1, 1935, and ending June 30, 1936, the sum of One Hundred Forty-seven Thousand Dollars (\$147,000.00) and for the school year beginning July 1, 1936, and ending June 30, 1937, the further sum of One Hundred Forty-seven Thousand Dollars (\$147,000.00). The said sums shall be allotted by the State Board to the various divisions mentioned in Section 4 and by them used for the purpose of restoring to their employees one-half of the salary reductions which were required by Section 5 of Chapter 141, Volume 38, Laws of Delaware."

Approved April 18, 1935.

CHAPTER 188

CREATION OF NEW HIGH SCHOOL DISTRICT

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION
TO CREATE NEW HIGH SCHOOL DISTRICTS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That, on and after the approval of this Act, the State Board of Education shall have power to create new High School Districts, outside of the City of Wilmington; but no High School District so created shall include any part of any present Special School District, without the expressed written consent of the Board of Education of such Special School District, signed by its President and attested by its Secretary.

Section 2. That for any new High School District so created, the Resident Judge of the County in which such High School District is created shall at once appoint from the residents of such new High School District a Board of School Trustees consisting of seven members; one of whom shall be a resident of each of the seven largest School Districts, including Consolidated School Districts, in such High School District, and one of whom shall serve for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years, as designated by the said Resident Judge. The terms of the said trustees shall begin July 1 following their appointment, except that the trustees first appointed shall serve from the date of their appointment till July 1 following, in addition to the term for which they are appointed.

In order to determine the relative size of the said School Districts or Consolidated School Districts for the purpose of the appointment of the trustees as provided for by this Act, the State Board of Education, upon the request of the Resident Judge, shall furnish said Judge with a statement showing the relative sizes of the said districts and the school population of each.

Annually after the first day of July, 1935, the said Judge shall appoint a trustee for the full term of seven years to fill the vacancy

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caused by the expiration of the term of the trustee whose term expires at such time. Any vacancy in the office of any such trustee, caused by death, resignation, removal from the district, or for any other cause whatever, shall be filled by the said Judge for the unexpired term. Every trustee, at all times, shall have the qualifications as to residence as set forth in this Section, or his office shall be considered vacant and a successor shall be appointed for the unexpired term as in this Section provided.

Section 3. That the High School District or Districts, created under this Act, shall be conducted and maintained as other school districts of the State under the immediate control of the State Board of Education, and all the laws in this State relating to school districts and to Boards of School Trustees generally and not inconsistent with the provisions of this Act, shall apply to the said High School District or Districts.

Section 4. That all acts or parts of acts inconsistent with the provisions of this Act be and the same are hereby repealed to the extent and only to the extent of any such inconsistency.

Approved April 24, 1935.

CHAPTER 189

SCHOOL IN INDIAN RIVER HUNDRED

AN ACT APPROPRIATING MONEY FOR THE PAYMENT OF THE SALARY OF THE TEACHER AT THE SCHOOL IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 160, of Volume 32, Laws of Delaware, as amended by Chapter 222, Volume 36, Laws of Delaware, be and the same is hereby further amended by striking out all of the following sentence beginning in the 17th line of Section 1 of said Chapter 222, Volume 36, Laws of Delaware, reading as follows: "The State Board of Education may establish schools for children of people called Moors, which schools shall be free to all such children between the ages of six and twenty-one years, inclusive", and inserting in lieu thereof the following: "The State Board of Education shall establish schools for children of people called Moors or Indians, and if any Moor or Indian school is in existence or shall be hereafter established, the State Board of Education shall pay the salary of any teacher or teachers thereof, provided that the school is open for school sessions during the minimum number of days required by law for school attendance and provided further that such school shall be free to all children of the people called Moors, or the people called Indians, between the ages of six and twenty-one years."

Approved April 15, 1935.

CHAPTER 190

EDUCATION OF WAR VETERANS CHILDREN

AN ACT TO AMEND CHAPTER 198, VOLUME 37, LAWS OF DELAWARE, APPROPRIATING MONEYS FOR EDUCATION AND TRAINING OF CHILDREN OF THE WORLD WAR VETERANS WHO DIED WHILE IN THE SERVICE OF THE ARMY, NAVY OR MARINE CORPS OF THE UNITED STATES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 198, Volume 37, Laws of Delaware, as amended by Chapter 133, Volume 38, Laws of Delaware, be amended by striking out and repealing all of Section 1 thereof and substituting in lieu thereof the following:

Section 1. There is hereby appropriated the sum of fifteen hundred dollars (\$1500.00) for the fiscal year ending June 30, 1935, and annually thereafter until June 30, 1942, or so much thereof as may be necessary under this Act, for the use and benefit of the children, not under sixteen (16) nor over twenty-one (21) years of age and who have for twelve (12) months had their domicile in the State of Delaware, of those who served in the Army, Navy or Marine Corps of the United States in the World War and who were killed in action or died during said War, from April 6, 1917, to July 2, 1921, or who have died since or may hereafter die from disease or disability resulting from such War service; which said children are attending or may hereafter attend any educational or training institution in this State; for the purpose of providing and paying for said children, tuition and matriculation fees, board and room rent, and books and supplies, and other purposes incidental thereto. Provided, that any child having entered upon a course of training or education, under the provisions of this Act, consisting of a course of not more than four years, and arriving at the age of twenty-one (21) years before the completion of said course, may continue in said course and receive all the benefits of the provisions of this Act until said course is completed.

Section 2. That Chapter 198, Volume 37, Laws of Delaware,

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be amended by striking out Section 2 thereof and inserting in lieu thereof the following:

Section 2. Be it further enacted by the authority aforesaid that not more than two hundred dollars (\$200.00) shall be paid under the provisions of this Act to any one child for any one year.

Section 3. That Chapter 198, Volume 37, Laws of Delaware, be amended by striking out Section 3 thereof and inserting in lieu thereof the following:

Section 3. Be it further enacted by the authority aforesaid that the amounts that may be or become due to any such educational or training institution, not in excess of the amount specified in Section 2 thereof shall be payable to said institution as herein mentioned from the fund hereby created on vouchers approved by the Director of the State Board for Vocational Education. And it is hereby made the duty of said Director to ascertain and pass on the eligibility of the children who may make application for the benefits provided for in this Act; to satisfy himself of the attendance of such children at any such institution as is herein specified, and of the accuracy of the charge or charges submitted to said Director by the authorities of any such institution, on account of the attendance thereat of any such children as is herein provided for; provided that the necessary expenses incidental to the administration of the provisions of this Act shall be paid by the State Treasurer upon proper voucher signed by the State Auditor, provided said expenses shall not exceed the sum of one hundred dollars (\$100.00) in any one year, and further provided that said incidental expenses so appropriated shall be in addition to the moneys appropriated in Section 1 of this Act.

Approved April 22, 1935.

Title Twelve

Fish, Oysters & Game

CHAPTER 191

FISH, OYSTERS & GAME

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF THE STATE OF DELAWARE RELATING TO FISH, OYSTERS AND GAME. REVENUE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Sec. 1 of Chapter 74, being Paragraph 2358 of the Revised Code of the State of Delaware, as amended, be and the same is hereby further amended by striking out said section and inserting in lieu thereof the following section to be styled as 2358. Sec. 1:

2358. Sec. 1. Board of Game and Fish Commissioners: Establishment; Appointment; Number; Terms of Office; Vacancies; Compensation; Expenditures; How Paid:—The Board of Game and Fish Commissioners of the State of Delaware is established and shall be known and termed as such. Said Board shall be appointed by the Governor and consist of three Commissioners, one from each of the Counties of this State, not more than two of whom, serving at the same time, shall be from one political party. The Commissioners appointed under this Section shall be appointed and commissioned for terms of six years, respectively, and their successors shall be appointed and commissioned for terms of six years, provided, however, that present members of the Board shall continue to serve during the balance of their respective terms, notwithstanding any of the provisions hereof. Any vacancy on said Board shall be filled by the Governor by appointment, and commissioned for the unexpired term in which the vacancy occurs. The

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members of said Board shall receive three hundred dollars a year for their services on said Board, also their expenses incurred in attending to their duties on said Board. Said Board shall have full authority to regulate its organization, proceedings and times and places of meeting. The Board is authorized to make expenditures out of funds received by it from the sale of licenses, fines and forfeitures imposed and received for violations of the Game and Fish laws of this State or from any other source, only for the following purposes:

- (a) Salaries, traveling and other necessary expenses of members of the Board.
- (b) Salaries, wages or other compensation, and traveling and other necessary expenses of the employees of the Board.
- (c) Wildlife protection, conservation and propagation.
- (d) Purchase of upland game, waterfowl, fish or fur-bearing animals for stocking or propagation purposes and for the feeding of such birds, animals and fish and expenses incident thereto.
- (e) Acquisition, lease, creation, maintenance, repairs and administration of refuges, spillways and dams for wildlife, including public hunting and fishing grounds, and for the purchase or construction of necessary buildings and structures and the repair of same;
- (f) Purchase of such supplies and equipment, printing posters, hunting and fishing licenses, license buttons or tags, and such other expenditures as may be necessary or desirable for the purpose of carrying into effect the provisions of this Chapter.

Section 2. That Chapter 74 of the Revised Code of the State of Delaware be and the same hereby is amended by inserting immediately after 2358, Sec. 1, of said Chapter the following sections to be styled as 2358 A. Sec. 1A, 2358 B. Sec. 1B and 2358 C. Sec. 1C:

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2358A Sec. 1A. Definitions:—As used in this Chapter the following words and phrases are defined as follows:

The word "Board" means the Board of Game and Fish Commissioners of the State of Delaware.

The phrase "protected wildlife" means all form of game and wildlife except such as are not protected by the provisions of this Chapter.

2358B Sec. 1B. Duties, Powers and Restrictions of Board:—It shall be the duty of the Board to protect, conserve and propagate all forms of protected wildlife of this State, and to enforce by proper actions and proceedings the laws relating thereto. The Board shall authorize such studies as may be deemed necessary to the work of the Board, and shall collect, classify and preserve such statistics, data and information as in its discretion will tend to promote the objects of this Chapter. The Board shall liberate or cause to be liberated a given number of protected wildlife, each year beginning with its fiscal year ending June, 1936, having a valuation of at least 25% of the gross income which inured to said Board during its past fiscal year. In order to determine the numbers of each species and the equitable valuation of all species to be liberated there shall be used the lowest of at least two competitive quotations if obtainable, covering such wildlife but should such quotations not be obtainable, then the Board shall estimate a fair market valuation for aforesaid purposes.

All wildlife reared or partly reared on Game Farms or refuges under the jurisdiction of the Board and liberated under the provisions of this section shall be evaluated in the same manner as if such wildlife had been purchased from outside sources, at competitive prices.

The Board also shall establish such departmental bureaus or divisions and shall authorize the employment of such competent employees as may be deemed necessary.

The Board shall not contract any indebtedness or obligations

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which cannot be met by funds immediately available to its use, as in this Chapter provided.

No employees of the Board shall receive or accept any fee from the sale of licenses issued by the Board.

2358C Sec. 1C. Rules and Regulations of Board; Violation Thereof:—The Board is hereby authorized to promulgate such rules and regulations and to make such expenditures as may be necessary to accomplish the following purposes:

(a) To shorten or close seasons on any species of protected wildlife in any specified locality or localities whenever it shall find, after investigation, that such action is necessary to assure the conservation of such wildlife and the maintenance of an adequate supply thereof.

(b) To establish and to close to hunting or fishing and trapping such wildlife refuges, or any lake, stream or pond, as in its judgment may be deemed best to conserve any species of wildlife or fish.

(c) To acquire by purchase, lease or agreement, gift or devise, lands, marshes or waters suitable for the purposes hereinafter enumerated, and to maintain the same for said purposes:

1. To provide fish nursery ponds and game farms;
2. To provide lands or waters suitable for upland game, waterfowl, fish or fur-bearing animal propagation and protection;
3. To provide public hunting, fishing or other recreational grounds or waters to be used as areas in which the public may hunt, fish or camp in accordance with the provisions of law and the regulations of the Board;
4. To extend and consolidate lands, marshes or waters suitable for the above purposes by exchange of other lands or waters;

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5. To capture, propagate, transport, buy or exchange any species of protected wildlife needed for stocking any lands, marshes or waters of this State.

All rules and regulations of the Board shall have the effect of law and shall be published in at least two newspapers of general circulation in the territory to be affected, at least two weeks prior to the time the rule or regulation becomes effective, except in case of an emergency when the Board shall give such advance notice as it may deem necessary or desirable.

This section shall not be construed as authorizing the Board to change any penalty for violating any game or fish law, or to change the amount of any license fee established under the provisions of this Chapter, or to issue any license not lawfully authorized, or to extend any open season or bag limit beyond the limits prescribed by either State or Federal law or regulations.

Any person violating any rule or regulation of the Board shall, upon conviction be punished by a fine of not less than ten dollars (\$10.00) or more than fifty (\$50.00) and costs for each offense, or by imprisonment in the county jail for a period of thirty (30) days, or by both such fine and imprisonment.

Section 3. That Section 3 of Chapter 74, being paragraph 2360 of the Revised Code of the State of Delaware, be and the same is hereby amended by striking out said section and inserting in lieu thereof the following section to be styled as 2360 Sec. 3.

2360 Sec. 3. Official Seal of Board and Use Thereof; Sale of Licenses; Employment of Wardens; Salaries of Employees; Fines and Forfeitures:—The Board shall have an official seal to authenticate all licenses, papers and documents issued by it in its official capacity; shall prescribe the form of licenses issued by it; shall collect all fees for licenses issued by it and all fines and forfeitures imposed for violations of the game and fish laws of this State; shall employ wardens and other necessary employees of the Board and fix the salaries of all such employees; shall authorize the several Justices of the Peace of this State to sell all forms of licenses pro-

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vided for by this Chapter; and may in addition thereto authorize other suitable persons in each hundred of this State to sell said licenses whenever in the discretion of the Board, such authorization is necessary or desirable to effectuate a convenient distribution of such licenses. Bonds given by Justices of the Peace for the faithful performance of their duties shall include obligations in connection with the sale of licenses for this Board. The Board from time to time shall issue instructions to persons authorized to sell such licenses as to character of proof to be required of applicants as to citizenship and residence within the meaning of this Chapter. The several persons authorized to sell licenses shall be entitled to compensation from the Board at the rate of ten cents for each license issued when the charge for said license is less than five dollars; and to a fee of twenty-five cents for each such license issued when the charge therefor is equal to or in excess of five dollars. The Board shall furnish tag or button bearing the license number in figures at least one-half inch in height, which tag or button said licensee shall display on an outer garment in such manner as to be plainly visible at all times when such license is required to be so displayed, and only the license tag or button for the current year shall be so displayed. The sale of all licenses provided by this Chapter shall be restricted to citizens of the United States and such licenses shall not be transferable.

Section 4. That Chapter 74 of the Revised Code of the State of Delaware, as amended by Chapter 193 of Volume 28, Laws of Delaware, be and the same is hereby further amended by striking out in paragraph 2360A. Sec. 3A, the words "hunting and fishing licenses" in line 6 of said section, and inserting in lieu thereof the words "licenses issued by it."

Section 5. That Chapter 74 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out 2361 Section 4 of the said Chapter and inserting immediately thereafter a new section to be styled as 2361 Section 4.

2361 Section 4. Accounts and Books; Open for Inspection; Annual Report; Character of Publication; Annual Audit:—All ac-

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counts and books kept by the Board shall be open at all times for inspection of all the members thereof, and the Board shall make a full and complete annual report of the official business transacted by it. Such reports shall show the number and character of licenses issued, together with all fees, fines and forfeitures collected, and all monies received from any source whatsoever; shall show the number of wardens employed and give all necessary information concerning the affairs of said Board. Such reports shall be published in pamphlet form. The records of the Board shall be subjected to a full and complete annual audit, which audit shall include the numerical license forms ordered, on hand, and sent out to the various agents of the Board, and all such license forms that have been distributed during any year must be accounted for on or before March first of the following year.

Section 6. That Section 5 of Chapter 74, being paragraph 2362 of the Revised Code of the State of Delaware, be and the same is hereby repealed.

Section 7. That Sections 14 and 15 of Chapter 74 being paragraphs 2371 and 2372, respectively, of the Revised Code of the State of Delaware, be and the same are hereby repealed.

Section 8. That Chapter 74 of the Revised Code of the State of Delaware be and the same is hereby amended by inserting immediately after 2370. Sec. 13 of said Chapter the following section to be styled as 2371. Sec. 14.

2371. Sec. 14. Revocation of License; Exceptions:—The Board may, except as otherwise provided, revoke any hunting, fishing or trapping license or any license issued by it in its official capacity and deny any person the right to secure such license or to hunt, fish or trap anywhere in this State for a period within its discretion, but in no case longer than one year, if said licensee or person has been convicted of violating any game or fish law, or if said licensee or person has been convicted in any court of record of having defaced, mutilated, destroyed or carried away notices posted by a free-holder or leaseholder or the Board, or personal property or crops of any

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kind on lands or waters in which such licensee or person may have been hunting, trapping or fishing, or if said licensee or person has been convicted of an offense involving carelessness in the use of firearms while hunting and thereby caused injury to any person or to poultry or livestock, or if said licensee or person has been convicted of an offense involving the unlawful setting of forest, marsh or grass fires, or if it is established to the satisfaction of the Board that said licensee, while hunting with firearms, has been in an intoxicated condition. To revoke a license then in force or to deny any person the right to secure a license or to hunt, trap or fish in this State for any period, the Board shall send a written notice to that effect to such person at his address either by registered mail or by delivery personally by a representative of said Board. The Board shall furnish in writing to all persons authorized to issue licenses, the names and addresses of all persons whose licenses have been revoked and the terms for which such licensees or persons have been denied the right to secure licenses or to hunt, trap or fish in this State, together with any other data the Board may deem necessary.

Notwithstanding anything in this Chapter provided no person who is a bonafide freeholder or leaseholder and resides on a farm in this State containing 20 acres or more and is engaged in the science of husbandry on said farm, and the immediate members of the family of such occupant who also reside on such freehold, and the resident owner of said freehold, shall not be denied the right to lawfully hunt, fish and trap on such freehold.

Section 9. That Chapter 74 of the Revised Code of the State of Delaware be and the same is hereby amended by inserting immediately after 2374. Sec. 17 of said Chapter the following section to be styled as 2374 A. Sec. 17A:

2374A. Sec. 17A. Game Animals Enumerated:—The following only shall be considered game animals; skunk, mink, raccoon, opossum, fox-squirrel, black squirrel, gray squirrel, otter, muskrat, fox, hare, rabbit, frog, deer and beaver.

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Section 10. That Chapter 74 of the Revised Code of the State of Delaware be and the same is hereby amended by inserting immediately after 2378. Sec. 21 of said Chapter the following section to be styled as 2378A. Sec. 21A:

2378A. Sec. 21A. Pen or Cage Defined:—For the purpose of enforcing the provisions of this Chapter, any pen or cage located adjacent to any waterfowl shooting blind, having a covered or partly covered top, or a hinged or partly hinged top, or any other similar pen or cage that completely encloses any area or would do so if the bottom were as tight as the top, ends and sides, and one or more live decoys are kept or intended to be kept therein for use in conjunction with the hunting, capturing or killing of wild waterfowl, must have a tight stationary board or other equally strong and tight stationary bottom plainly visible during normal low tide or under otherwise normal conditions at the location of such pen or cage, and be so constructed and maintained in any and all other respects so that no species of wild waterfowl may possibly enter such pen or cage and be imprisoned of its own free will. Any such pen or cage not having a covered or partly covered top, or a hinged or partly hinged top or any other similar top, or similar part of a top, must be so constructed and maintained at all times so that the open area of the top will be equal to or greater than the area of the bottom, and said open area must not be smaller than is necessary to permit wild geese and any or all other species of wild waterfowl, to fly in and out of such pen or cage.

The construction, possession, placing, use or intended use of any other pen or cage, within the meaning of this Section shall be prima facie evidence of an offense against this Section. Any person convicted of violating any provisions of this Section shall be subjected to a fine of not less than fifty dollars nor more than one hundred dollars and costs for each offense, in addition to any and all other fines and forfeitures, if any, that may be imposed for the unlawful hunting, capturing, possession or killing of wild waterfowl.

Section 11. That Section 22A of Chapter 74, being paragraph 2379A of the Revised Code of Delaware, as amended, be and the

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same is hereby amended by striking out said section and inserting in lieu thereof the following section to be styled as 2379A. Sec. 22A:

2379A. Section 22A. Protection of Wild Lands and Wild Life From Fire; Exceptions:—It shall be unlawful for any person or persons to fire, or cause to be fired, any woodlot, forest or other wild land or property, material or vegetation being or growing thereon, other than brush in clearing land, either by dropping lighted matches, tobacco or other substance, or in any manner whatsoever without the consent of the owner or owners, or to start a fire or fires anywhere and permit same to spread to woodlots, forests, or other wild lands, causing damage to or destruction of such property as aforesaid; or fire or cause to be fired any marsh land in this State after the first day of March in any year; provided, however, the Board may upon application from any landowner or freeholder after due investigation, extend said time by issuing a permit to such owner or freeholder to fire marsh land after the said first day of March if it be found after such investigation that such landowner or freeholder has been prevented from firing such marshland before said time by reasons beyond his or her control.

Any person or persons who shall violate the provisions of this section upon conviction shall be subjected to a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and costs for each offense or not less than thirty (30) or more than ninety (90) days in jail—or by both such fine and imprisonment in addition to all other penalties if any, that may be imposed for any DAMAGE CAUSED by the setting of unlawful fires of any kind whatsoever.

Section 12. That Section 25A of Chapter 74, being paragraph 2382A of the Revised Code of the State of Delaware, be and the same is hereby repealed.

Section 13. That Chapter 74 of the Revised Code of the State of Delaware be and the same is hereby amended by inserting immediately after 2384A Section 27A of said Chapter the following new section to be styled 2384 B Section 27B.

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2384B Sec. 27B. Possession of Game Birds, Game Animals and Game Fish; Exceptions:—It shall be unlawful to have more than two times the daily bag limit or creel limit of any game bird, game animal or game fish in his, her, or their possession at any one time when it is lawful to possess such wild life; except that nothing in this section shall apply to rabbits lawfully killed outside of this state; or to muskrat lawfully taken; or to terrapin lawfully taken and of lawful size, when it is lawful to have said animals, their meat and skins in possession.

Any person, partnership, corporation or association found guilty of violating this section shall be subjected to a fine of not less than \$25.00 nor more than \$100.00 and costs for each and every offense, and in addition to said fine shall be fined \$5.00 for each and every game bird, game fish and game animal caught or killed illegally, purchased or offered to purchase, sold, offered for sale, barter or exchange, or taken or killed or found in possession in excess of the bag limit.

Section 14. That Chapter 74 of the Revised Code of the State of Delaware be and the same is hereby amended by inserting immediately after 2389 Sec. 32 of said chapter the following section to be styled 2389 Sec. 32:

2389 Sec. 32. Unlawful to Have Game Fish in Possession During the Closed Season or to Buy or Sell Game Birds, Game Animals, or Game Fish; Exceptions:—It shall be unlawful for any person, firm, or corporation to have in possession any game fish during the closed season for said fish, whether the same shall have been taken within or without the State of Delaware, and it shall be unlawful for any person, firm or corporation at any time of the year to barter, sell, offer for sale or buy any game birds, game animals or game fish protected by the laws of this State and killed or caught either lawfully or unlawfully within or without this State, except always the muskrat, and diamond back terrapin trade during the seasons when it is lawful to have said animals and their meat in possession and trading at any and all times in muskrat skins and other skins and in terrapins of lawful size which have

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been lawfully taken; provided any one person who has himself lawfully killed or trapped rabbits in the county of his residence may himself sell said rabbits within such county not exceeding the number of twenty in any one open season.

Section 15. That Section 34 of Chapter 74, being paragraph 2391 of the Revised Code of the State of Delaware, be and the same is hereby amended by striking out said section and inserting in lieu thereof the following section to be styled as 2391. Sec. 34.

2391. Sec. 34. Hunting, Fishing or Trapping Unlawfully a Misdemeanor; Penalties; Exceptions:—Any person required by this Chapter to take out a license to hunt, fish or trap, or any person required by law to take out any license issued by the Board, who does not do so, or any person who hunts, fishes or traps unlawfully, or any unnaturalized foreigner who shall carry a gun or have any firearm in his or her possession, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished with a fine of not less than ten dollars nor more than fifty dollars and costs for each offense; and for every offense against this section by a non-resident or an alien the fine shall not be less than fifty dollars and costs for each offense; provided, however, that nothing in this section shall apply to aliens when lawfully hunting, fishing or trapping on their own land provided such persons actually reside on a farm in this state containing 20 acres or more and are engaged in the science of husbandry on said farm.

Any unnaturalized foreigner convicted of hunting, fishing or trapping in violation of law, in addition to any and all penalties imposed by law, shall forfeit to the Board all or any hunting, fishing or trapping equipment, or any gun, or firearms, shells and ammunition found in his or her possession at the time of his or her arrest, and such equipment shall be disposed of as said Board shall, in its discretion, direct.

Section 16. That Section 34B of Chapter 74, being paragraph 2391B of the Revised Code of the State of Delaware, be and the same is hereby repealed.

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Section 17. That Section 35 of Chapter 74, being paragraph 2392 of the Revised Code of the State of Delaware, be and the same is hereby amended by striking out said section and inserting in lieu thereof the following section to be styled as 2392. Sec. 35:

2392. Sec. 35. Possession and Exhibition of License; Tag or Buttons:—Each holder of a license issued by the Board in its official capacity shall always display license, tags or buttons as lawfully directed while hunting, fishing or trapping, and shall exhibit such license, tags or buttons, upon request to any person empowered to arrest for violations of the Game and Fish Laws of this State.

Section 18. That Chapter 74 of the Revised Code of the State of Delaware be and the same is hereby amended by inserting immediately after 2392, Sec. 35 of said Chapter, the following sections to be styled as 2392A. Sec. 35A and 2392B. Sec. 35B:

2392A. Sec. 35A. Traps, Tags Upon; Muskrats Excepted:—It shall be unlawful for any person to set or make use of any kind of a metal trap whatsoever, except for the purpose of taking muskrats, without having first placed a metallic plate or tag on each trap, bearing in plain English the words "Trapping License, Delaware," and in addition thereto the number of the trapping license issued to the owner of said traps and the year of issuance thereof. The Board shall furnish upon application to any person who has secured a license in this State, or to any person who is entitled to trap without a license, not more than twenty-five suitable tags free of charge, and shall furnish upon application, additional tags at cost. Such tags shall be used only by the person to whom issued and shall not be transferable. Any person who shall set or make use of a metal trap, except for the purpose of taking muskrats, without having first placed a metallic plate or tag on each metal trap in accordance with the provisions of this section, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than fifty dollars and costs for each offense, and in addition thereto shall forfeit to the Board each trap so set or made use of, and such traps shall be disposed of as the Board, in its discretion, shall direct.

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No person who shall set or make use of any trap, except for muskrats, shall permit more than twenty-four hours to elapse between visits to such trap. Violations hereof shall be punishable, upon conviction, by a fine of not less than ten dollars nor more than fifty dollars and costs for each offense.

2392B Sec. 35B. Habitat of Muskrat Defined:—For the purpose of enforcing the provisions of this Chapter, the habitat of a muskrat shall be a marsh, of any size, ordinarily subject to rise and fall of tide, a ditch, a stream, or land not suited to cultivation of crops due to a normally marshy condition. A trap set or found at any place other than such habitat shall be considered as having been set for game animals other than muskrats.

Section 19. That Section 37 of Chapter 74, being paragraph 2394 of the Revised Code of the State of Delaware, be and the same is hereby amended by striking out said section and inserting in lieu thereof the following section to be styled as 2394. Sec. 37:

2394. Sec. 37. Possession of Protected Game and Fish by Non-Residents Not Holding License a Misdemeanor; Penalty; Exceptions:—It shall be unlawful for any non-resident or an alien to have any protected game or wild-life in his or her possession who does not hold a hunting, trapping or fishing license, for game and fish, respectively, for the time during which he or she has protected game or wildlife in his or her possession unless such game or wildlife have been lawfully killed or caught out of the State and may be lawfully possessed in this State. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished with a fine of not less than fifty dollars and costs for each offense; provided, however, that nothing in this section shall apply to a non-resident or alien who is a bonafide freeholder or bonafide leaseholder and actually resides on a farm in this State containing at least 20 acres of land and is engaged in the science of husbandry on said farm, and provided further that nothing in this section shall apply to the lawful inter-state transportation of protected wildlife.

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Section 20. That Section 38 of Chapter 74, being paragraph 2395 of the Revised Code of the State of Delaware, be and the same is hereby amended by striking out said section and inserting in lieu thereof the following section to be styled as 2395 Sec. 38.

2395 Sec. 38. Forgery, Alteration of License, or Use of License of Another; Misdemeanor; Penalty:—Any person who shall forge or alter any license or mispresent the facts in order to obtain any license issued by the Board in its official capacity or use the license of another, or shall permit such license to be used by another, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall forfeit such license and be fined not less than ten dollars nor more than fifty dollars and costs for each offense and for every offense against this section by a non-resident or an alien the fine shall not be less than fifty dollars and costs for each offense. And in addition thereto for altering a license in any way shall be deemed guilty of forgery and punished accordingly.

Section 21. That Section 46 of Chapter 74, being paragraph 2403 of the Revised Code of the State of Delaware, be and the the same is hereby repealed.

Section 22. That Section 47 of Chapter 74, being paragraph 2404 of the Revised Code of the State of Delaware, be and the same is hereby repealed.

Section 23. That Section 48 of Chapter 74, being paragraph 2405 of the Revised Code of the State of Delaware, as amended, be and the same is hereby amended by striking out said section and inserting in lieu thereof the following section to be styled as 2405 Sec. 48.

2405. Sec. 48. Violations of Sections 16 to 45; PENALTIES:—Any person convicted of having violated any of the provisions of Sections 16 to 45, inclusive, of this Chapter, for which the penalty is not specifically prescribed, shall be fined not less than ten dollars nor more than fifty dollars and costs for each offense, and for every offense against this section by a non-resident,

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the fine shall be not less than fifty dollars and costs and failing to pay forthwith any fine imposed under the provisions of Sections 16 to 45, inclusive, of this Chapter, together with the costs of prosecution, unless an appeal be taken, such person shall be committed to the County Jail or Workhouse of the County in which such offense was committed for thirty days, unless said fine and costs be sooner paid.

Section 24. That Section 54 of Chapter 74, being paragraph 2411 of the Revised Code of the State of Delaware, as amended, be and the same is hereby amended by striking out said section and inserting in lieu thereof the following section to be styled as 2411, Sec. 54;

2411 Section 54. Licenses Issued by the Board for Non-Residents; Fees; Exceptions:—Every non-resident of this State except as otherwise provided, must take out a license before fishing with rod, hook and line or hand line, hunting or trapping in this State.

1st. Non-residents other than aliens may lawfully fish in the Delaware River, Delaware Bay, Atlantic Ocean and Indian River Inlet without being licensed hereunder.

2nd. Non-residents or aliens who are occupants of farms in this State containing 20 acres or more who are engaged in the science of husbandry, who actually reside thereon, and the immediate members of the family of such occupants who also reside on said farm, may lawfully hunt, fish or trap on said farm without being licensed hereunder.

3d. Non-resident women other than aliens and non-resident persons other than aliens under fifteen years of age may lawfully fish in any waters of this State without being licensed hereunder when accompanied by a person who is the lawful holder of a fishing license or has a lawful right to fish.

4th. Non-residents other than aliens who are under fifteen years of age may lawfully hunt without a license in this State when

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accompanied by a person who is the lawful holder of a hunting license or has a lawful right to hunt.

The following license fees except as otherwise provided shall be paid to the Board or its duly constituted agents:

1st. A non-resident other than an alien for a fee of \$15.50 may obtain a license to hunt and trap in this State when it is lawful to do so.

2nd. A non-resident other than an alien, for a fee of \$7.50 may obtain a license to fish in the waters of this State when it is lawful to do so.

3d. A non-resident other than an alien, for a fee of \$5.50 may obtain a license to hunt when it is lawful to do so during any five consecutive calendar days from date of issue of such license.

4th. A non-resident other than an alien, for a fee of \$3.25 may obtain a license to fish when it is lawful to do so during any six consecutive calendar days from date of issue of such license.

Each applicant for a license shall present reasonable proof to said Board or its duly authorized agent, that he or she is a citizen of the United States, and naturalized foreign-born applicants shall produce naturalization papers.

Section 25. That Section 55 of Chapter 74, being paragraph 2412 of the Revised Code of the State of Delaware, as amended, be and the same is hereby repealed.

Section 26. That Section 56 of Chapter 74, being paragraph 2413 of the Revised Code of the State of Delaware, as amended, be and the same is hereby further amended by striking out said section and inserting in lieu thereof the following section to be styled as 2413, Sec. 56.

2413. Sec. 56. Hunting, Fishing and Trapping Licenses Issued by the Board for Residents; Exceptions; Fee:—Every resident of

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this State, except as otherwise provided in this Chapter, must obtain a license before hunting and trapping and before fishing in this State, for either of which licenses such resident shall pay to the Board, or its duly constituted agents, the sum of one dollar and twenty-five cents.

1. Residents may lawfully fish in the Delaware River, Delaware Bay, Atlantic Ocean and Indian River Inlet without being licensed hereunder.

2. Residents who are occupants of farms in this State containing 20 acres or more, who actually reside thereon and the immediate members of the family of such occupant who also reside on said farm, and the resident owner of said farm, may lawfully hunt, fish and trap on said farm without being licensed hereunder.

3. Resident women and residents under fifteen years of age may lawfully fish in any waters of this State without being licensed hereunder when accompanied by a person who is the lawful holder of a fishing license or has a lawful right to fish.

4. Residents under fifteen years of age may lawfully hunt without a license in this state when accompanied by a person who is the lawful holder of a hunting license or has a lawful right to hunt.

Each applicant for a license shall present reasonable proof to said Board or its duly authorized agent that he or she is a citizen of the United States and a bonafide resident of this State, and naturalized foreign-born applicants shall produce naturalization papers.

Section 27. That Section 57 of Chapter 74, being paragraph 2414 of the Revised Code of the State of Delaware, be and the same is hereby amended by striking out said section and inserting in lieu thereof the following section to be styled as 2414 Sec. 57.

2414 Sec. 57. Licenses Issued by the Board; Scope and Term:—All licenses issued by the Board in its official capacity shall be

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in lieu of all other charges for such privileges and shall authorize their legal holder the privilege prescribed thereon only during the calendar year, and such licenses shall expire on the thirty-first day of December of the year they are issued except short term licenses which shall be valid only during the period prescribed on the license.

Section 28. That Chapter 74 of the Revised Code of the State of Delaware be and the same is hereby amended by inserting immediately after 2415 Sec. 58 of said chapter the following section to be styled 2415. Sec. 58:

2415, Sec. 58. Residents Defined:—For the purpose of all sections of Chapter 74 of the Revised Code of the State of Delaware, any person not an alien who has resided a year or more within this state shall be deemed to be a resident of this state.

Section 29. That Section 58A of Chapter 74, being Section 2415A of the Revised Code of the State of Delaware, be and the same is hereby repealed.

Section 30. That Chapter 74 of the Revised Code of the State of Delaware be and the same is hereby amended by inserting immediately after 2415, Sec. 58 of said Chapter, the following sections to be styled as 2415A, Sec. 58A and 2415B, Sec. 58B.

2415A Sec. 58A. Fur Dealer's License:—Every person, firm, association or corporation must obtain a license to engage in the business of purchasing or receiving raw furs or pelts for commercial purposes within this state, except muskrat furs or pelts, for which license, he, she, or it, shall pay five dollars each year to the Board.

Any person, firm or corporation who violates any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof shall be punished with a fine of not less than ten dollars and costs nor more than fifty dollars and costs for each and every offense.

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2415B. Sec. 58B. Records of Holders of Licenses:—The holder of each fur dealer's license shall keep an accurate record of all transactions relating to the purchase and/or receipt of raw furs or pelts, which record shall contain the names and addresses of all persons from whom raw furs or pelts were purchased or received and date of receipt, and to whom raw furs or pelts were sold or delivered and date of delivery, together with the number and kind of raw furs or pelts bought or received from each of said persons and the date of receipt, the number and kind of raw furs or pelts sold or delivered to each of said persons and date of delivery, and the price paid for or received for each raw fur or pelt. Such records shall be open for inspection at all reasonable times to any person empowered to arrest for violation of the Game and Fish Laws of the State of Delaware; provided, however, that nothing in this section shall apply to the pelts or furs of muskrats.

Any person, firm or corporation who violates any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof shall be punished with a fine of not less than ten dollars and costs nor more than fifty dollars and costs for each and every offense.

Section 31. That Section 60A of Chapter 74 being paragraph 2417A of the Revised Code of the State of Delaware, as amended, be and the same is hereby amended by striking out said section and inserting in lieu thereof the following*section to be styled as 2417A, Sec. 60A.

2417A Sec. 60A. Game Refuges; Exceptions:—All State lands, except as otherwise provided, and State, County and Municipal Parks in Delaware shall be State Game Refuges and it shall hereafter be unlawful for any person to hunt upon said lands and parks or kill or injure any game therein at any time of the year.

It shall be lawful, however, to shoot and kill during the open season for same, wild duck, wild geese, brant and snipe on all State Lands bordering on the Delaware Bay, Atlantic Ocean, Indian River and Assawoman Bay.

Notwithstanding any of the provisions herein provided, all

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Wild Life Refuges created under the provisions of 2358C, Sec. 1C Chapter 74 of the Revised Code of the State of Delaware shall be under the jurisdiction of the Board subject to all the rules and regulations thereof including rules and regulations covering the right to hunt and fish therein.

Section 32. That Chapter 74 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out 2527 Sec. 170 and inserting in lieu thereof the following section to be styled 2527 Sec. 170.

2527 Sec. 170. Open Season; Fish:—The open season on fish in the waters named in paragraph 2526 Sec. 169 of this code and chapter, shall be as follows: Large mouth bass, small mouth bass and calico bass: from June twenty-fifth to February first, next following; pike, pickerel, and wall-eyed pike, from June twenty-fifth to March first, next following; Rainbow trout, brown trout and brook trout, from April sixteenth to August fifteenth next following; shad and sturgeon, from March first to June tenth, next following; carp, from August tenth to June first next following. The above open seasons shall include the days defining them. Any fish not protected may be taken at any time and in any way except as hereinafter provided. It shall not be lawful to have any fish named in this section in possession for more than five days after the open season of same.

Section 33. That Section 181 of Chapter 74, being paragraph 2538 of the Revised Code of the State of Delaware, be and the same is hereby repealed.

Section 34. That Section 182 of Chapter 74, being paragraph 2539 of the Revised Code of Delaware, as amended, be and the same is hereby further amended by striking out said section and inserting in lieu thereof the following section to be styled as 2539 Sec. 182.

2539 Sec. 182. Violations of Sections 169 to 179; Penalty:—Any person violating any of the provisions of Sections 169 to 179 inclusive, of this Chapter, shall be deemed guilty of a misdemeanor

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and upon conviction thereof, unless a specific penalty is otherwise provided, shall pay a fine of not less than ten dollars nor more than one hundred dollars, and costs for each offense and for every offense against this section by a non-resident the fine shall be not less than fifty dollars and failing to pay forthwith such fine and costs unless an appeal be taken shall be committed to jail or workhouse, of the county where the offense was committed, for thirty days unless such fine and costs be sooner paid.

Section 35. That Section 214 of Chapter 74, being section 2571 of the Revised Code of the State of Delaware, be and the same is hereby repealed.

All acts, whether general, local, special, or private, or parts of such acts, in conflict with or which are inconsistent with the provisions of this Act are hereby repealed.

Approved February 18, 1935.

CHAPTER 192

EXTENDING OPEN SEASON FOR MUSKRATS

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF THE STATE OF DELAWARE, AS AMENDED, RELATING TO FISH, OYSTERS AND GAME BY EXTENDING THE OPEN SEASON OF MUSKRATS DURING THE YEARS 1935 AND 1936.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That 2375 Section 18, Chapter 74, Revised Code of 1915, as amended, be and the same is hereby further amended by adding a new paragraph at the end of said Section 18 to read as follows:

It shall be lawful to catch and kill muskrats on embanked meadows in New Castle County, to and including March 31, of the year 1935.

Section 2. From and after March 31, 1936, this Act shall become null and void, and the open season on muskrats shall be as heretofore.

Approved March 20, 1935.

CHAPTER 193

HUNTING OF FOXES ON GROUND COVERED
WITH SNOW

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF
THE STATE OF DELAWARE RELATING TO THE HUNTING
OF FOXES ON GROUND COVERED WITH SNOW.

*Be it enacted by the Senate and House of Representatives of
the State of Delaware in General Assembly met:*

Section 1. That 2382. Section 25, Chapter 74 of the Revised Code of the State of Delaware as amended be and the same is hereby further amended by adding thereto a new Section to be styled as 2382B, Section 25B.

2382B. Section 25B. It shall be lawful to chase or hunt, but not to kill, take, or destroy foxes while there is snow upon the ground.

All acts or parts of acts inconsistent with this provision be and the same is hereby repealed only to such inconsistency.

Approved April 12, 1935.

CHAPTER 194

UNLAWFUL SHOOTING OF FOXES PURSUED BY DOGS

AN ACT TO AMEND 2385, SECTION 28 OF CHAPTER 74 OF THE REVISED CODE OF THE STATE OF DELAWARE, RELATING TO THE UNLAWFUL SHOOTING OF FOX PURSUED BY DOGS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That 2385, Section 28 of Chapter 74 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out all of said Section and in lieu thereof substituting the following to be styled as 2385, Section 28:

2385. Section 28. Fox Pursued by Dogs; Unlawful to Shoot, Etc.:—It shall be unlawful to shoot at, kill or destroy any red fox while such fox is being chased or pursued by dog or dogs.

Whoever shall violate the provisions of this Section shall be guilty of a misdemeanor, and upon conviction thereof before any Justice of the Peace shall be fined a sum not exceeding Fifty Dollars (\$50.00), and in default of payment of said fine and costs shall be imprisoned for not less than thirty days.

Approved April 12, 1935.

CHAPTER 195

LAWFUL SHOOTING OF GRAY FOXES

AN ACT TO AMEND 2385, SEC. 28 OF CHAPTER 74 OF THE
REVISED CODE OF THE STATE OF DELAWARE, RELATING
TO THE LAWFUL SHOOTING OF GRAY FOXES.

*Be it enacted by the Senate and House of Representatives of
the State of Delaware in General Assembly met:*

Section 1. That 2385. Sec. 28 of Chapter 74 of the Revised Code of the State of Delaware, as amended, be and the same is hereby further amended by adding thereto a new Section to be known as 2385A. Sec. 28A. to read as follows:

2385A. Sec. 28A. It shall be lawful to shoot at, kill or destroy gray foxes in Sussex County during the open season for quail, rabbits, dove, and squirrel.

Approved April 1, 1935.

CHAPTER 196

LICENSING OF NON-RESIDENT MASTERS OF
FISHING BOATS OR VESSELSAN ACT PROVIDING FOR THE LICENSING OF NON-RESIDENT
MASTERS OF FISHING BOATS OR VESSELS ENGAGED IN
THE BUSINESS OF CARRYING FISHING PARTIES FOR HIRE.

*Be it enacted by the Senate and House of Representatives of
the State of Delaware in General Assembly met:*

Section 1. It shall be unlawful for any non-resident to act or serve as master of any boat or boats engaged in the business of carrying fishing parties, for hire, from the shores of this State for the purpose of fishing in the waters of the Delaware River and Bay, without first obtaining an annual license therefor from the Board of Game and Fish Commissioners of the State of Delaware.

Section 2. The fee for the license required under Section 1 hereof shall be One Hundred Dollars, and such license shall expire on the thirty-first day of December of the year issued.

Section 3. Any person violating the provisions of this Act shall upon conviction thereof forfeit and pay a fine of not less than Fifty Dollars nor more than Two Hundred Dollars, together with costs of prosecution.

Section 4. If any person fail to pay any fine or costs imposed under the provisions of this Act, such person shall be committed to the jail of the County where such conviction is had, for a period not exceeding ninety (90) days, or until such fine and costs are paid.

Section 5. All prosecutions for violations of any of the provisions of this Act shall be in accordance with the provisions of 2410 Section 53, Chapter 74 of the Revised Code of 1915.

Approved April 8, 1935.

CHAPTER 197

FISHING LICENSES FOR NON-RESIDENTS

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1915, IN REFERENCE TO FISHING LICENSES FOR NON-RESIDENTS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 74 of the Revised Code of Delaware, 1915, as amended by Chapter 192 of Volume 33, Laws of Delaware, be and the same is hereby further amended by striking out and repealing all of 2498A. Section 141A. thereof.

Section 2. That Chapter 74 of the Revised Code of Delaware, 1915, as amended by Chapter 194 of Volume 33, Laws of Delaware, be and the same is hereby further amended by striking out and repealing all of 2525A. Section 168A. thereof.

Section 3. That Chapter 74 of the Revised Code of Delaware, 1915, as amended by Chapter 232 of Volume 36, Laws of Delaware, be and the same is hereby further amended, by adding immediately after 2411. Sec. 54 thereof, the following:

2411A. Sec. 54 A. Fishing Licenses for Non-Residents; Fee:—Every non-resident person, firm or corporation of this State, except as otherwise provided, must take out a license before catching and taking or attempting to catch or take from the waters of the Atlantic Ocean, within three nautical miles of the coast line of this State, or from any other waters within the jurisdiction of this State, edible or food fish of any kind by means of any net of any character or any device or contrivance whatsoever, except with rod, hook and line or hand-line as otherwise provided.

A non-resident person, firm or corporation, other than an alien, for a fee of \$50.00 for each boat so employed in the taking of edible or food-fish of any kind, may obtain a license to fish in the waters aforesaid, when it is lawful to do so and as otherwise provided.

FISHING LICENSES FOR NON-RESIDENTS

Each applicant for a license shall present reasonable proof to said Board or its duly authorized agent, that he or she is a citizen of the United States and naturalized foreign-born applicants shall produce naturalization papers.

Any person, firm or corporation violating any of the provisions of this section shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars, and costs, together with a forfeiture of all nets, boats and other appliances used. If any person shall fail to pay any fine and costs imposed under the provisions of this act such person shall be committed to the jail of the County where such conviction is had for a period not exceeding ninety days or until such fine and costs are paid.

Approved April 18, 1935.

CHAPTER 198

SNAPPERS

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF THE STATE OF DELAWARE, AS AMENDED, BY REPEALING 2493. SEC. 136, IN RELATION TO THE CATCHING OF SNAPPERS IN SUSSEX COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 74 of the Revised Code of the State of Delaware, as amended, relating to Fish, Oysters and Game, be and the same is hereby further amended by repealing all of 2493. Sec. 136.

Approved April 18, 1935.

CHAPTER 199

TIDE-WATER FISHING

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF THE STATE OF DELAWARE RELATING TO FISH, OYSTERS AND GAME, AS AMENDED, BY PRESCRIBING CERTAIN REGULATIONS ON TIDE WATER FISHING.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 74 of the Revised Code of the State of Delaware be and the same is hereby amended by adding thereto the following two sections to be made a part of said Chapter 74 of the Revised Code of the State of Delaware.

Section 2. From and after the passage and approval of this Act no license shall be required of nor shall any fee or charge be made or collected from any resident or residents who shall fish or take fish with hook and line, or crabs with dip line or net from Indian River or any tide waters of the State of Delaware.

Section 3. From and after the passage and approval of this Act no license shall be required, nor shall any fee or charge be made or collected from any minor child under the age of sixteen years who shall fish or take fish or crabs from any of the waters under the jurisdiction of the State of Delaware.

Section 4. All acts or parts of acts inconsistent herewith are hereby repealed in so far as the inconsistency may occur only.

Approved May 1, 1935.

CHAPTER 200

USE OF CROKER NETS PROHIBITED

AN ACT PROHIBITING THE USE OF NETS COMMONLY KNOWN AS CROKER NETS IN THE WATERS ALONG THE DELAWARE SHORE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. It shall be unlawful for any person or persons to fish with or to assist in fishing with nets commonly known as croker nets, or ring nets, or sink nets, or drift nets in any of the waters along the Delaware Shore or in the Delaware Bay between Mispillion River and Leipsic Creek at any time of the year.

Section 2. Any person found guilty in a court of competent jurisdiction of violating the provisions of this Act shall forfeit and pay a fine of not less than Fifty Dollars nor more than One Hundred Dollars for each offense, and in addition thereto shall forfeit all nets, boats, and appliances used in the commission of such act or acts.

Approved March 13, 1935.

CHAPTER 201

STURGEON FISHING

AN ACT TO REGULATE STURGEON FISHING

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. It shall be unlawful for any person to catch and take, or attempt to catch and take any sturgeon from the waters within the jurisdiction of this State, with any device, excepting a seine or gill net, the meshes of which shall not be less than eleven inches stretched measure while being fished; provided, however, that where a sturgeon not under the size hereinafter prohibited shall become entangled in a shad or other net which is being bona-fide used for the catching of shad or other fish, the said sturgeon so caught may be retained. It shall further be unlawful for any person to catch or take, or attempt to catch or take from the waters aforesaid, any sturgeon or mamnose under four and one-half feet in length, and if any such sturgeon or mamnose under four and one-half feet in length shall be caught it shall be immediately returned to the waters uninjured. It shall also be unlawful for any person to catch and take, or attempt to catch and take sturgeon or mamnose from the waters aforesaid in any manner whatever between the hours of two o'clock P. M. of every Saturday and twelve o'clock midnight of the Sunday next ensuing. Any person violating any of the provisions of this Section shall, upon conviction thereof be subject to a fine of one hundred dollars (\$100.00), together with a forfeiture of all nets, boats and other appliances used.

Section 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved April 12, 1935.

CHAPTER 202

LICENSING OF FISHING BOATS

AN ACT PROVIDING FOR THE LICENSING OF FISHING BOATS;
EXCEPTIONS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That all of Chapter 184 of Volume 34, Laws of Delaware, is hereby repealed.

Section 2. It shall be unlawful for any person, firm or corporation to engage in the business of carrying fishing parties, for hire, in any boat or boats for the purpose of fishing in the waters of the Delaware River, Delaware Bay, and that part of the Atlantic Ocean under the jurisdiction of the State of Delaware, without first obtaining an annual license for each boat from the Board of Game and Fish Commissioners of the State of Delaware; provided, however, nothing in this Section shall apply to boats propelled exclusively by oars.

Any resident of this State desiring to engage in the business aforesaid shall pay to said Board each year a fee of Ten Dollars (\$10.00) for each boat license.

Any non-resident of this State desiring to engage in the business aforesaid shall pay to said Board each year, a fee of Fifty Dollars (\$50.00) for each boat license.

Such licenses shall expire on the thirty-first day of December of the year issued.

All funds arising from the sale of the aforesaid licenses and from fines imposed for any violations of the provisions of this Act shall be paid by the said Board to the Treasurer of the State of Delaware, in accordance with the provisions of 2360A, Section 3A, of Chapter 74, of the Revised Code of the State of Delaware.

Section 3. Any person, firm or corporation violating any of the provisions of this Act, shall upon conviction thereof, be fined

LICENSING OF FISHING BOATS

not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and costs of prosecution, and suffer the forfeiture of each and every boat or boats used. Provided, that, for the violation of any of the provisions of this Act by a non-resident of this State, the minimum fine shall be One Hundred Dollars (\$100.00).

Licensing of Fishing Boats:—If any person shall fail to pay any fine or costs imposed under the provisions of this Act, such person shall be committed to the jail of the County where such conviction is had, for a period not exceeding ninety days, or until such fine and costs are paid. All prosecutions for violations of any of the provisions of this Act shall be in accordance with the provisions of 2410 Section 53, of Chapter 74 of the Revised Code of the State of Delaware.

Approved April 24, 1935.

CHAPTER 203

OYSTER INDUSTRY IN THE DELAWARE BAY
AND TRIBUTARIES

AN ACT REGULATING THE OYSTER INDUSTRY IN THE DELA-
WARE BAY AND TRIBUTARIES.

*Be it enacted by the Senate and House of Representatives of
the State of Delaware in General Assembly met:*

Section 1. It shall be unlawful for any person to take or catch with tongs any oysters from the natural beds of the Delaware Bay, or from any of the tributaries thereof, unless he shall have first paid to the Collector of Oyster Revenue the sum of Five Dollars and has received from the said Collector a license therefor.

Section 2. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be compelled to pay a fine of Fifteen Dollars for the first offense and Fifty Dollars for every additional offense. Upon a third conviction, in addition to the penalty above provided, it shall be the duty of the Collector of Oyster Revenue upon proper certification of the same to revoke the license of the convicted person for a period of one year from the date of the said third conviction.

Section 3. All Acts or parts of Acts inconsistent herewith are hereby repealed as to such inconsistency only.

Approved March 20, 1935.

CHAPTER 204

OYSTERS

AN ACT RELATIVE TO TAKING OF OYSTERS FROM INDIAN RIVER BAY, REHOBOTH BAY AND ASSAWAMAN BAY IN THE STATE OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 74 of the Revised Code of the State of Delaware, as amended by Chapter 191 of Volume 33, Chapter 234 of Volume 36, and Chapter 217 of Volume 37, of the Laws of Delaware, be and the same is hereby further amended by striking out 2480 Section 123 and inserting in lieu thereof a new section to be known as 2480 Section 123 as follows:

2480. Section 123. Persons May Appropriate Acres in Indian River or Rehoboth Bay or Assawaman Bay for Oyster Planting; Oysters Property; Staking; Plot to Be Filed:—Any person may appropriate to his own use a part of the bottom of Indian River or Rehoboth Bay or Assawaman Bay for planting oysters, which part he shall designate by corner stakes to show at least two feet above the ordinary high water mark and not to be obstructive of navigation. It shall be the possession of the planter or planters, and the oysters to be deposited therein and their increase shall be his or their private property. Provided that any such person so intending to appropriate any part of the bottom of said Indian River or Rehoboth Bay or Assawaman Bay shall, within thirty days after he has so as aforesaid staked off the area which he intends to use for planting oysters, file with the Commissioner hereinafter in this Article provided for, a sufficient plot and description of said area whereby the same may be known and located, reference being made in plot and description to natural objects, or to artificial boundaries erected or fixed on the shore or shores of said Indian River or Rehoboth Bay or Assawaman Bay. Said plot or description shall be recorded in the office aforesaid. If the planter shall fail to file a plot and description within the time aforesaid or shall fail to pay his or her ground rent within thirty days after the same shall be-

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come due and payable, he or she shall forfeit all right, title and claim to the area aforesaid, and the same may be appropriated for the purposes aforesaid by any other person.

Approved April 18, 1935.

CHAPTER 205

OYSTERS

AN ACT RELATIVE TO THE TAKING OF OYSTERS FROM THE RIVERS AND CREEKS TRIBUTARY TO THE DELAWARE RIVER AND BAY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That from and after the approval of this Act, it shall be lawful for any bona fide resident of the State of Delaware to catch and take oysters by means of tongs, not in excess of fifteen (15) bushels for each day from any of the rivers and creeks tributary to the Delaware River and Bay. Said oysters shall be removed only during the months of April and May of each year, all other months of the calendar year shall be termed as a closed season on said rivers and creeks. Said oysters may be removed through the mouth of said creeks; provided that not more than 5% of the gross load shall consist of shells.

All oysters so removed shall be transplanted in areas approved by the State Board of Health for transplanting purposes and shall remain for such time as shall be approved by the State Board of Health.

Section 2. Said tongers shall pay to the oyster revenue collector a fee of Five Dollars (\$5.00) per man each year for said privilege. All money derived from the sale of said licenses shall be used to defray the expenses of patrolling said creeks and rivers.

Section 3. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be compelled to pay a fine of Fifteen Dollars (\$15.00) for the first offense and Fifty Dollars (\$50.00) for every additional offense. Upon a third conviction, in addition to the penalty above provided, it shall be the duty of the Collector of Oyster Revenue upon proper certification of the same to revoke the license

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of the convicted person for a period of one year from the date of said third conviction.

Section 4. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved April 18, 1935.

Title Thirteen

Deaf, Dumb and Blind

CHAPTER 206

DEAF, DUMB, BLIND AND CRIPPLE

AN ACT TO AMEND ARTICLE 2 OF CHAPTER 75 OF THE REVISED CODE OF THE STATE OF DELAWARE RELATING TO THE DEAF, DUMB AND BLIND.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Paragraph 2585, Section 12 of Article 2, Chapter 75 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out all of the said paragraph 2585, Section 12, and placing in lieu thereof a new paragraph to be known as 2585, Section 12.

2585. Section 12. Judges of the Superior Court Trustees; For Indigent Deaf, Dumb, and Blind; Applications to for Instruction:— The judges of the Superior Court are ex-officio trustees for the indigent deaf, dumb and crippled and for the indigent blind persons of the State, to whom application may be made for the admission of any such persons into any Institution, or to place and/or furnish any such persons with private instructor or instructors for the instruction of the deaf, dumb and crippled, or for the instruction of the blind, that may be selected and named by the said trustees.

Section 2. That Paragraph 2586, Section 13 of Article 2, Chapter 75 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out all of said Paragraph 2586, Section 13 of Article 2, and placing in lieu thereof a new paragraph to be known as 2586, Section 13.

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2586. Section 13. Action of Governor; On Recommendation of Judges; All Under Authority of Judges:—The said trustees shall recommend such of the applicants as they shall deem proper, to the Governor, who shall cause the persons recommended, to be admitted or placed and/or furnished with private instructor accordingly. This Chapter shall not be held to prevent any person or persons maintained at any institution by the State of Delaware being so maintained or instructed, but said persons shall be under the authority of said judges, until discharged under the provisions of the law under which said persons were appointed to, and sent to such institution.

Section 3. That Paragraph 2587, Section 14 of Article 2, Chapter 75 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out all of said Paragraph 2587, Section 14, and placing in lieu thereof a new paragraph to be known as 2587, Section 14.

2587. Section 14. Board and Tuition of Indigent Pupils; How Paid; Limitation of Amount and Time:—The Governor is authorized and empowered to draw his warrant on the State Treasurer in accordance with the provisions of Section 20 of Chapter Fifteen, in favor of the President or Treasurer of any institution wherein or in favor of such private instructor with whom such pupils may be or from whom such pupil shall receive instruction for the board, tuition and instruction of each of such indigent pupils sent from this State or provided for in said manner within the State, provided that the amount paid for each deaf, dumb or blind person shall not be greater than the sum paid by the State of Pennsylvania for each indigent pupil of that State who is taught in the Pennsylvania institution for the instruction of the deaf and dumb, or in the Pennsylvania institution for the instruction of the blind; and provided further, that no indigent pupil from or of this State shall be maintained as a beneficiary in any such institution or with such private instructor for a longer period than five years, except as hereinafter provided.

Section 4. That Paragraph 2589, Section 16 of Article 2, Chapter 75 of the Revised Code of the State of Delaware be and

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the same is hereby amended by striking out all of the said Paragraph 2589, Section 16, and placing in lieu thereof a new paragraph to be known as 2589, Section 16.

2589. Section 16. Terms of Deaf, Dumb and Blind Pupils; Extended, How and When:—Whenever the principal of any institution for the instruction of the blind, or the principal of any institution or private instructor for the instruction of the deaf, dumb or crippled, shall represent in writing to the Governor of this State, that any indigent pupil from or of this State, whose term has expired, is capable of making further improvement, and recommending the readmission or continuance of said pupil, the Governor shall have power to extend the term of such pupil to any time not exceeding seven additional years.

Section 5. That Paragraph 2592, Section 19 of Article 2, Chapter 75 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out all of the said Paragraph 2592, Section 19 and placing in lieu thereof a new paragraph to be known as 2592, Section 19.

2592. Section 19. Private Instruction, Oral Method; Superintendent of School District to Supervise Expenditure For:—Whenever the parents or guardian of a deaf, dumb or crippled beneficiary shall elect to have such beneficiary receive the said oral instruction by private instructor, the superintendent of schools of the school district in which the said beneficiary resides shall see that the amount so appropriated is spent for the specific purpose intended; provided however that the said superintendent shall receive no compensation therefor.

Approved April 18, 1935.

Title Fourteen

Regulations Concerning Trade

CHAPTER 207

LEGAL HOLIDAYS

AN ACT TO AMEND CHAPTER 78 OF THE REVISED CODE OF THE STATE OF DELAWARE BY MAKING SATURDAY AN OPTIONAL LEGAL BANK HOLIDAY IN THE CITY OF WILMINGTON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 78 of the Revised Code of the State of Delaware be and the same is hereby further amended by the insertion therein of the following section to be styled "2841D, Section 197D."

"2841D, Sec. 197D. That hereafter every Saturday shall be a legal holiday to be known as Saturday Bank Holiday in the City of Wilmington and that all provisions of Chapter 78 of the Revised Code of the State of Delaware, insofar as they apply to other legal holidays shall be applicable to Saturdays in the City of Wilmington. Nothing in any law of this State shall in any manner whatsoever affect the validity of or render void or voidable, the payment, certification or acceptance of a check or other negotiable instrument or any other transaction of a bank, trust company, person or corporation, in the City of Wilmington, because done or performed on a Saturday, provided such payment, certification, or acceptance, or other transaction would be valid if done or performed on a day other than a legal holiday; provided further that nothing herein shall be so construed as to make it compulsory upon any bank or trust company in the City of Wilmington, which by this law is entitled to be closed on Saturdays, to keep open for the transaction of business or to perform any of the acts or transactions aforesaid on any Saturday except at its own option."

Approved March 11, 1935.

CHAPTER 208

WEIGHTS AND MEASURES

AN ACT TO AMEND CHAPTER 82 OF THE REVISED CODE OF THE STATE OF DELAWARE (1915), PROVIDING THAT JURISDICTION SHALL BE BEFORE JUSTICES OF THE PEACE OR THE MUNICIPAL COURT OF WILMINGTON OR THE COURT OF COMMON PLEAS FOR KENT COUNTY FOR VIOLATIONS THEREOF.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of all the members elected to each House of the General Assembly):

Section 1. That Chapter 82 of the Revised Code of Delaware (1915), as amended, be and the same is hereby further amended by adding at the end of said Chapter a new paragraph to be known as 2935A, Section 22A, as follows:

2935A. Section 22A. Every Justice of the Peace in the County in which any offense enumerated in any Section under this Chapter is alleged to have been committed, and the Court of Common Pleas for Kent County for violations alleged to have been committed in Kent County, and the Municipal Court for the City of Wilmington for violations alleged to have been committed within the corporate limits of the said City of Wilmington, shall have concurrent jurisdiction to hear, try and finally determine all violations of any of the offenses set forth in said Chapter 82 as amended.

Approved February 28, 1935.

Title Fifteen

Domestic Relations

CHAPTER 209

LEGAL SETTLEMENT

AN ACT RELATING TO THE ACQUIRING OF A LEGAL SETTLEMENT IN THE STATE OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. Any person of the age of twenty-one years, being a citizen of this or any other of the United States, and who has lived for two successive years in the State, and for the purpose of determining settlement in any County of the State, has lived for one year in such county, and who has during that time maintained himself and his family, shall be held to have acquired a legal settlement therein.

Section 2. A married woman shall follow and have the settlement of her husband, if he has any within the State; and otherwise her own at the time of marriage, if she then had any, shall not be lost or suspended by the marriage.

Section 3. Legitimate children shall follow and have the settlement of their father, if he has any within the State, until they gain a settlement of their own; but if he had none, they shall, in like manner follow and have the settlement of their mother, if she has any.

Section 4. Illegitimate children shall follow and have the settlement of their mother at the time of their birth, if she then has any within the State; but neither legitimate or illegitimate children shall gain a settlement by birth in the County where they may be born; if neither of their parents then has a settlement therein.

Approved May 3, 1935.

CHAPTER 210

DIVORCE

AN ACT TO AUTHORIZE THE BOARD OF HEALTH TO COLLECT, RECEIVE AND KEEP CERTAIN DATA RELATING TO DIVORCES GRANTED IN THE STATE OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. The State Board of Health is hereby authorized and directed to collect, receive, file and keep the following information relating to divorces granted in this State, whether the same be a divorce from the bonds of matrimony, or divorce a vinculo matrimonii, or from bed and board, or divorce a mensa et thoro:

(a) The name and address of the person filing the petition. If the Plaintiff be a female, her maiden name if available should be given.

(b) The name and address of the defendant. If the defendant be a female, her maiden name should be given if available.

(c) The Court and the County wherein such decree is granted.

(d) The term and number of the case.

(e) The cause or ground upon which such decree was granted.

(f) The date of the granting of the decree.

(g) Whether such decree is final or nisi.

(h) Data concerning any subsequent decrees, together with the date of making such subsequent decree or decrees.

Section 2. It shall be the duty of any Clerk, Prothonotary, or Register of any Court of this State wherein any decree nisi or any final decree in divorce has been granted to report the data required in Section 1 of this Act to the Board of Health of the State of Delaware, upon forms to be supplied by the Board of Health of the State of Delaware within thirty days next after the entry of any decree nisi or final decree in divorce.

Approved March 20, 1935.

CHAPTER 211

PARENTS AND CHILDREN

AN ACT TO AMEND CHAPTER 88 OF THE REVISED CODE OF DELAWARE (1915) RELATING TO PARENTS AND CHILDREN, AS AMENDED BY CHAPTER 183, VOLUME 32, LAWS OF DELAWARE, AND FURTHER AMENDED BY CHAPTER 251, VOLUME 36, LAW OF DELAWARE, IN ORDER THAT THE MOTHER'S PENSION LAW COMPLY WITH THE PROVISIONS OF AN ACT OF THE CONGRESS OF THE UNITED STATES RELATING TO AID TO DEPENDENT CHILDREN, AND THAT THE STATE OF DELAWARE ACCEPT THE PROVISIONS OF SAID ACT.

WHEREAS, in the report of the Committee on Economic Security, recently submitted to the President of the United States it is stated "we believe that the children's aid plan, generally called Mother's Pension Laws, is the method which will best care for the needs of fatherless and other young families without a breadwinner; and

WHEREAS, in Title II of the Wagner Bill, "S-1130", now before the Congress of the United States for consideration, provision is made for Federal grants-in-aid to the "mother's care" method of rearing fatherless families through the approval by the Federal Administrative Agency of a State plan that establishes and designates a single State agency to administer such plan; and

WHEREAS, in the State of Delaware, the Mother's Pension Commission is such an established State authority with such methods of administration as appear to be in accordance with the provisions of the Wagner Bill; and

WHEREAS, in order to comply with conditions set forth in the said Title II as necessary for the allotment of a sum equal to one-third of the contribution of the State of Delaware for aid to dependent children, certain amendments will need to be made to Delaware statutes; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

PARENTS AND CHILDREN

Section 1. That Chapter 88 of the Revised Code of Delaware (1915), as amended by Chapter 183, Volume 32, Laws of Delaware, and further amended by Chapter 251, Volume 36, Laws of Delaware, be and is hereby amended by striking out the paragraph designated as (e) in 3071A. Sec. 11A of the said Chapter 88 and inserting in lieu thereof the following:

(e) That the child or children has/have been continuous resident/residents of the State of Delaware for a period of at least one year.

Section 2. That Chapter 88 of the Revised Code of Delaware (1915), as amended by Chapter 183, Volume 32, Laws of Delaware, and further amended by Chapter 251, Volume 36, Laws of Delaware, be and is hereby amended by the addition of a new paragraph following the paragraph designated (e) in 3071A. Sec. 11A of the said Chapter 88, viz:

(f) Wherever the word "child" or "children" is used in this Act, it shall mean a child or children under the age of sixteen in their own homes, in which there is no adult person, other than one needed to care for the child or children, who is able to work and provide the family with a reasonable subsistence compatible with decency and health.

Section 3. That Chapter 88 of the Revised Code of Delaware (1915), as amended by Chapter 183, Volume 32, Laws of Delaware and further amended by Chapter 251, Volume 36, Laws of Delaware, be and is hereby amended by the striking out of the paragraph immediately following the paragraph designated as (e) in 3071A. Sec. 11A of the said Chapter 88 and inserting in lieu thereof the following new paragraph:

If the Mother's Pension Commission, after a careful investigation and receipt of a written report of the same, shall deem it for the best interests of the family that aid be given, the said Commission shall determine the amount of aid needed by such family, based on a budget in which all possible family income as well as necessary expenses shall be considered. The aid furnished should

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be sufficient to care for the child/children properly in its/their own home during such time as the said Commission shall specify; provided that no payment shall be made for the support of any child beyond the time when the law will permit the child to secure a general employment certificate. The said Mother's Pension Commission may, upon the recommendation of the members of the Commission of the County, vary the terms of the aid given by directing the furnishing of food, clothing, or supplies, instead of the payment of money, to the person designated by the Commission for the use and benefit of such child or children.

Section 4. That Chapter 88 of the Revised Code of Delaware (1915), as amended by Chapter 183, Volume 32, Laws of Delaware, and further amended by Chapter 251, Volume 36, Laws of Delaware, be and is hereby amended by the addition of a new paragraph to 3071A. Sec. 11A. of said Chapter 88, viz:

It shall be the duty of the Mother's Pension Commission to make such reports, and at such time, as may be required to the Federal Administrative Agency upon such forms as the said Administrative Agency may prescribe.

Section 5. That Chapter 88 of the Revised Code of Delaware (1915), as amended by Chapter 183, Volume 36, Laws of Delaware, and further amended by Chapter 251, Volume 36, Laws of Delaware, be and is hereby amended by the addition of a new paragraph to 3071A. Sec. 11A. of said Chapter 88, viz:

The State Treasurer is hereby authorized and directed to receive the quarterly installments from the Secretary of the Treasury of the United States allotted to the State of Delaware from time to time to aid in carrying out the State plan as herein set forth.

Section 6. That Chapter 88 of the Revised Code of Delaware (1915), as amended by Chapter 183, Volume 32, Laws of Delaware, and further amended by Chapter 251, Volume 36, Laws of Delaware, be and is hereby amended by the addition of a new paragraph to 3071A. Sec. 11A. of said Chapter 88, viz.

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The State of Delaware, by and through its General Assembly now in regular session, hereby accepts the provisions of such Act of the Congress of the United States relating to aid to dependent children as will co-relate and co-ordinate with the provisions of the Mother's Pension Law of the State of Delaware; provided, however, that the provisions of this Act shall not become effective until such time after the approval as the Governor of the State of Delaware and the Federal Administrative Agency shall agree upon.

Section 7. All Acts and parts of Acts inconsistent herewith are hereby repealed to the extent of the inconsistencies only.

Approved April 12, 1935.

CHAPTER 212

ADOPTION

AN ACT TO AMEND CHAPTER 88 OF THE REVISED CODE OF THE STATE OF DELAWARE AS AMENDED BY CHAPTER 162, VOLUME 38, LAWS OF DELAWARE, AS THE SAME RELATES TO THE LAW OF ADOPTION.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Paragraph 3064, Section 4 of Chapter 88 of the Revised Code of Delaware as amended by Chapter 162, Volume 38, Laws of Delaware, be and the same is hereby further amended by inserting the words "and/or known" after the words *if living* and before the semi-colon as the same appear in Line 4 of the second paragraph of said Paragraph 3064, Section 4; also by inserting the words "and/or are not known" after the words *not living* as the same appear before the comma in line 5 of the second paragraph of said Paragraph 3064, Section 4.

Section 2. That Paragraph 3064, Section 4, of Chapter 88 of the Revised Code of the State of Delaware as amended by Chapter 162, Volume 38, Laws of Delaware, be and the same is hereby further amended by striking out the following words as they appear in said Paragraph 3064, Section 4 under the heading *Order of Reference*, to-wit: "do make a careful and thorough investigation of this matter, and report the findings in writing to this Court, and in such investigation shall make the inquiries required by the Act of the General Assembly.

A copy, Teste:

Clerk"

and by inserting in lieu thereof the following "do make a careful and thorough investigation of this matter, and report the findings in writing to the Clerk of the Orphans' Court on or before thirty days from the date of such Order of Reference, and in such investigation shall make the inquiries required by the Act of the General Assembly.

A copy, Teste:

Judge"

ADOPTION

Section 3. That Paragraph 3065, Section 5 of Chapter 88 of the Revised Code of Delaware as amended by Chapter 162, Volume 38, Laws of Delaware, be and the same is hereby further amended by striking out the word "Clerk", as it appears at the bottom of the form relating to *Interlocutory Order of Adoption* and inserting in lieu thereof the word "Judge."

Section 4. That Paragraph 3065, Section 5 of Chapter 88 of the Revised Code of Delaware as amended by Chapter 162, Volume 38, Laws of Delaware, be and the same is hereby further amended by striking out all of paragraph 3 of said Paragraph, Section 5 commencing with the words "upon expiration" and ending with the words "Adoption in the case" and inserting in lieu thereof the following: "Upon the expiration of the period of one year from the date of the filing of the preliminary report, the Judge, being satisfied that all proceedings have been taken in conformity with the provisions of this Act, and that the interests of all concerned are duly regarded, shall enter the final Decree of Adoption in the case, and the Clerk of the Orphans' Court shall issue a Certificate of Adoption which shall be in form as follows:

"CERTIFICATE OF ADOPTION

State of Delaware }
.....County } SS.

I, Clerk of the Orphans' Court of the State of Delaware in and for County, being by law a court of competent jurisdiction, do hereby certify that under and by virtue of certain proceedings in said Court on the day of in the year of our Lord One Thousand Nine Hundred and the said Court did Decree the issuance

to of a certificate of the adoption of hereafter

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to be known as a
 child of age
 and did further order and decree that thenceforth and forever the
 said child should be known by the name of,
 and that all the duties, rights, privileges and obligations recognized
 by law between parent and child should exist between the said
 as fully
 and to all intents and purposes as if the said.....
were the lawful and natural offspring or issue
 of the said

In Testimony Whereof, I have hereunto set my hand and the
 seal of said Court, at, this
 day of, in the year of our Lord one thousand
 nine hundred and

.....
 Clerk Orphans' Court"

Section 5. That Paragraph 3065, Section 5 of Chapter 88 of
 the Revised Code of Delaware as amended by Chapter 162, Volume
 38, Laws of Delaware, be and the same is hereby further amended
 by striking out all of paragraph 4 of said Paragraph, Section 5
 commencing with the words "upon the entry" and ending with
 the words "Order of Adoption" and inserting in lieu thereof the
 following "upon the entry of the final Decree of Adoption, the
 Clerk of the Orphans' Court shall mail to the State Board of
 Charities a certified copy of the action taken, giving the names and
 addresses of the natural parents, if known, or of the child's nearest
 of kin, the age and the name of such child both before and after
 adoption, and the names and addresses of the foster parents."

Section 6. That Paragraph 3065, of Chapter 88 of the Re-
 vised Code of Delaware as amended by Chapter 162, Volume 38,
 Laws of Delaware, be and the same is hereby further amended by

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striking out the word "Clerk" as it appears at the end of the final decree of adoption as the same appears in said Paragraph 3065, Section 5 and inserting in lieu thereof the word "Judge."

Section 7. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed in so far as such inconsistency does occur.

Approved April 24, 1935.

CHAPTER 213

EMPLOYMENT OF FEMALES

AN ACT TO AMEND CHAPTER 90 OF THE REVISED CODE OF THE STATE OF DELAWARE (1915) RELATIVE TO THE REGULATION OF THE HOURS OF EMPLOYMENT OF FEMALES.

WHEREAS the laws of Delaware prohibit the employment of females in a manufacturing establishment between the hours of ten o'clock P. M. and six o'clock A. M., excepting that such establishment or factory be engaged in canning or preserving perishable fruits and vegetables; and

WHEREAS the existence of such prohibitory laws has had an influence in preventing industries from locating in Delaware; now therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 90 of the Revised Code of the State of Delaware (1915) be and the same is hereby amended by adding to the paragraph known as 3135 Sec. 35, the following clause, to wit:

"Nor shall the provisions prohibiting females from working at night apply to any establishment where continuous operations are necessary, outside of cities or towns having a population of twenty thousand or more."

Section 2. That all laws prohibiting the employment of females at any time, are hereby repealed in so far as such laws might hinder or restrict the operations of any establishment where continuous operations are necessary, outside of cities or towns having a population of twenty thousand or more.

Approved April 1, 1935.

CHAPTER 214

EMPLOYMENT OF FEMALES

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO AMEND CHAPTER 90 OF THE REVISED CODE OF THE STATE OF DELAWARE (1915), RELATIVE TO THE REGULATION OF THE HOURS OF EMPLOYMENT OF FEMALES," APPROVED APRIL 1, 1935.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 1 of an Act entitled "AN ACT TO AMEND CHAPTER 90 OF THE REVISED CODE OF THE STATE OF DELAWARE (1915) RELATIVE TO THE REGULATION OF THE HOURS OF EMPLOYMENT OF FEMALES," approved April 1, 1935, be and the same is hereby amended by striking out Section 1 thereof and inserting in lieu thereof a new Section to be known as Section 1.

"Section 1. That Chapter 90 of the Revised Code of the State of Delaware (1915) be and the same is hereby amended by adding to the paragraph known as 3135 Sec. 35, the following clause, to wit:

"Nor shall the provisions prohibiting females from working at night apply to any establishment where continuous operations are necessary."

Section 2. That Section 2 of an Act entitled "AN ACT TO AMEND CHAPTER 90 OF THE REVISED CODE OF THE STATE OF DELAWARE (1915) RELATIVE TO THE REGULATION OF THE HOURS OF EMPLOYMENT OF FEMALES," approved April 1, 1935, be and the same is hereby further amended by striking out Section 2 thereof and inserting in lieu thereof a new Section to be known as Section 2.

"Section 2. That all laws prohibiting the employment of females at any time, are hereby repealed in so far as such laws might hinder or restrict the operations of any establishment where continuous operations are necessary."

Approved April 18, 1935.

Title Sixteen

Titles to Real Property

CHAPTER 215

DEFECTIVE ACKNOWLEDGMENTS

AN ACT TO MAKE VALID THE RECORD OF LEGAL INSTRUMENTS WHICH HAVE NOT BEEN PROPERLY ACKNOWLEDGED.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the record of all legal instruments which are dated prior to the first day of January, A. D. 1935 and which by law are directed to be recorded or are entitled to be recorded, and which have been duly executed by the proper party or parties, notwithstanding said instruments have not been acknowledged before an officer authorized by the laws of Delaware to take acknowledgments, or have not been otherwise properly acknowledged, or the acknowledgments of which, including the private examination of any married woman party thereto, have not been taken and certified in conformity with the laws of this State in force at the time each such instrument was executed, shall be and the same are hereby severally made as valid and effective in law as if each said instrument had been correctly acknowledged and the acknowledgment correctly certified; and the said record of each such instrument, or any office copy thereof, or the original instrument itself shall be admitted as evidence in all Courts of this State and shall be as valid and conclusive evidence as if such instrument had been in all respects acknowledged and the acknowledgment certified in accordance with the then existing law.

Approved March 20, 1935.

CHAPTER 216

MORTGAGING OF LEASEHOLD INTERESTS

AN ACT AMENDING CHAPTER 36, VOLUME 39, LAWS OF DELAWARE, RELATING TO THE MORTGAGING OF LEASEHOLD INTERESTS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That Chapter 36, Volume 39, Laws of Delaware, be and the same is hereby amended by striking out same and inserting in lieu thereof the following:

Section 1. It is hereby declared to be lawful for any lessee for a term of ten years or more of any lands or premises situate in the State of Delaware to mortgage his or her lease or term in the demised premises, with all buildings, fixtures and machinery thereon belonging to the lessee and appurtenant to his interests, with the same effect as to lien, notice, evidence and priority of payment as to the lessee's interest and title as in the case of the mortgaging of a freehold interest and title; provided that the mortgage of such term of the lessee be in like manner acknowledged, recorded in the proper county, and indexed in the same manner as required by law for the acknowledging, recording, and indexing of mortgages covering freehold interests and titles. Such mortgage shall in no manner or in any wise interfere with the landlord's rights, priority or remedy for rent. Writs of scire facias for the enforcement of the lien of such mortgages may be sued out as in other cases. In all cases of mortgages upon leasehold estates, the mortgagees shall have the same remedies for collection thereof which mortgagees of fee simple interests in real estate have under the laws of this State for the collection of such mortgages. All proceedings heretofore instituted for the recovery of moneys secured by mortgages upon leasehold estates, in the manner provided by law for the recovery of moneys secured by mortgage upon real estate, be and the same are hereby declared valid.

Approved April 15, 1935.

CHAPTER 217

CONVEYANCES

AN ACT IN RELATION TO THE EXECUTION AND ACKNOWLEDGMENT OF DEEDS, POWERS OF ATTORNEY, AND OTHER INSTRUMENTS OF WRITING FOR THE HOME OWNERS' LOAN CORPORATION AND THE EFFECT THEREOF.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. Deeds concerning lands or tenements, releases from the lien of any judgment, or mortgage, powers of attorney to individuals to satisfy mortgages, or any other written instruments entitled to be recorded, executed by the Home Owners' Loan Corporation, a corporation of the United States of America, may be executed and acknowledged before the Chancellor, or any Judge of this State, or a Judge of the District Court of the United States, or a Notary Public, or two Justices of the Peace of the same County, by the Regional Manager of the Home Owners' Loan Corporation, or Regional Treasurer thereof, provided there is recorded in the Recorder's Office in the County wherein any instrument executed and acknowledged as aforesaid, is entitled to be recorded, a Resolution of the Managing Board of such Corporation, showing the appointment by name of the Regional Manager and Regional Treasurer, duly certified to under the hand of the Chairman of the Board, attested by the Secretary, with the seal of the Corporation thereto attached, and acknowledged in the same manner and form as other recorded corporate instruments. The said Resolution may be kept on file by the Recorder of Deeds, and the same shall be indexed and recorded in the same way and manner as provided by law in the case of Commissions of Notaries for the State of Delaware. The Resolution, certified and acknowledged as aforesaid, concerning the named appointments of Regional Manager and Regional Treasurer shall be binding on the said Home Owners' Loan Corporation until revoked or cancelled by the Recording, in said Recorder's Office, of a Resolution of the Managing Board of the Home Owners' Loan Corporation, duly executed, certified to and acknowledged in the same manner and form as the appointment.

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When any mortgage shall have been satisfied pursuant to a power of attorney executed by the Regional Manager or Regional Treasurer in the name of the Home Owners' Loan Corporation, in accordance with the provisions contained in paragraph 1 of this Section, the said mortgage or conveyance shall be extinguished.

Any deed or conveyance of lands and tenements, or any release of the lien of a Mortgage or Judgment, executed by the Regional Manager or Regional Treasurer for the said Home Owners' Loan Corporation, after a full compliance with paragraph 1 of this Section, shall have the same effect as though the said Instrument had been executed in full compliance with Chapter 92, Section 9, of the Revised Code of Delaware, 1915.

Approved April 15, 1935.

Title Eighteen

The General Police

CHAPTER 218

OBSTRUCTIONS ON RAILROAD TRACKS

AN ACT TO AMEND CHAPTER 100 OF THE REVISED CODE OF THE STATE OF DELAWARE (1915) RELATIVE TO OBSTRUCTING RAILROAD TRACKS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 100 of the Revised Code of the State of Delaware (1915) be and the same is hereby amended by striking out all of 3501 Section 66, of Chapter 100 thereof and by substituting in lieu thereof the following new Section to be known and designated as 3501, Section 66:

3501. Sec. 66. Obstructing Railroad Track So As to Render Same Unsafe; Felony; Penalty; Liability for Personal Injuries, by Indictment:—Whoever shall unlawfully place any obstruction upon a railroad track, or by any other unlawful means shall render such track unsafe for transportation of passengers or freight, shall be deemed to have done so maliciously, and to be guilty of the offense of obstructing a railroad, and of felony, and shall, upon conviction by indictment, be sentenced to not more than fifteen years imprisonment, and twenty lashes, and in the discretion of the court having jurisdiction thereof, a fine of not more than one thousand dollars. And if any personal injury shall be done to anyone, by reason of such conduct, the offender shall be answerable for the same by indictment as for like injury maliciously inflicted by any other means, and it shall not be necessary to describe the offense in the indictment with more particularity than shall be requisite for setting forth the crime, with reasonable detail.

Approved February 18, 1935.

CHAPTER 219

SMALL LOANS

AN ACT TO AMEND CHAPTER 100 OF THE REVISED CODE OF DELAWARE, AS AMENDED, AND RELATING TO THE REGULATION OF SMALL LOANS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 100 of the Revised Code of Delaware, as amended by Chapter 246 of Volume 37 of the Laws of Delaware, be and the same hereby is amended by striking out and repealing 3556, Sec. 121, 3557, Sec. 122, 3558, Sec. 123, and 3560, Sec. 125 of said Chapter 100 of the Revised Code, as amended by said Chapter 246 of Volume 37 of the Laws of Delaware, and substituting in lieu thereof the following:

3556. Sec. 121. The holder of any Certificate of Registration from the State Bank Commissioner, granted pursuant to 3554, Sec. 119, as amended by Chapter 260, Volume 36, of the Laws of Delaware, and also any national bank or State bank or trust company organized under the Laws of this State (without obtaining such Certificate of Registration), shall have the power to lend money to any person, firm or corporation in any sum not exceeding Five Hundred Dollars, to be repaid in periodical instalments, taking the obligation of the borrower therefor, with any security that may be acceptable to the lender; provided, however, that any such association, firm, partnership or corporation having a paid in capital which is not subject to withdrawal and which shall exceed Ten Thousand Dollars may make such loans in amounts to any one borrower in excess of Five Hundred Dollars but not exceeding ten per centum of the paid in capital stock and surplus of such lender. Any such lender may charge in advance the legal rate of interest of six per cent. upon the entire amount of the loan and may make such loan repayable in weekly, monthly or other periodical instalments, with the right to the lender to declare the entire unpaid balance due and payable in the event of default in the payment of any instalment for a period of thirty days, and the lender may also charge an investigation fee or make a service charge of not exceed-

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ing two per centum of the amount of the loan. No additional interest or commission shall be charged nor shall any additional charge of any kind be made except as provided for in Sec. 122 hereof.

3557. Sec. 122. Any association, firm, partnership or corporation holding a certificate from the State Bank Commissioner, as aforesaid, and any national bank or State bank or trust company organized under the laws of this State, may adopt by-laws for the government and management of its business not inconsistent with the laws of this State and may provide in its by-laws for such fines as it will charge for the non-payment of any instalment of a loan, and may charge such fines accordingly. No such fine shall be for more than five per centum of the amount of the payment in which default is made and in respect to which such fine is charged, and such fine shall not be cumulative.

3558. Sec. 123. Any lender, as aforesaid, shall give to the borrower, on request, a correct copy of the obligation evidencing said loan, and on failure or refusal, on such request, to furnish the borrower with such copy, shall be guilty of a misdemeanor, and on conviction thereof shall be fined, for each offense, a sum not less than Twenty Dollars nor more than One Hundred Dollars, or imprisoned for a term not exceeding one month, or both, in the discretion of the Court.

3560. Sec. 125. No person, association, firm, partnership, corporation, trustee or trustee system, or combination of persons whatsoever, excepting national banks or State banks or trust companies organized under the laws of this State, shall have power to make loans as provided for in 3556, Sec. 121, hereof without first obtaining a Certificate of Registration from the State Bank Commissioner, and any person, association, firm, partnership, corporation, trustee or trustee system, or combination of persons except as aforesaid, making any such loan without first obtaining a Certificate of Registration shall be guilty of a misdemeanor, and on conviction thereof shall be fined a sum of not less than Fifty Dollars or more than Two Hundred Dollars for each offense, or imprisoned for a term not exceeding three months, or both, in the discre-

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tion of the Court. National banks and State banks and trust companies organized under the laws of this State, in addition to the powers conferred upon them by their respective charters and by the laws of this State, shall have the right to make loans in accordance with and at the rates and upon the terms, and under the limitations in respect to corporations, provided for in 3556, Sec. 121, and 3557, Sec. 122, hereof without first obtaining a Certificate of Registration from the State Bank Commissioner. Nothing in Sections 119 to 125A, inclusive, of this Chapter shall be construed to modify or repeal any part of 3562, Sec. 127, of this Chapter as amended by Chapter 208, of Volume 35, of the Laws of Delaware, but said section shall remain in full force and effect and the penalties provided for the violations of said last mentioned statute shall be in addition to the penalties provided by Sections 119 to 125A, inclusive, of this Chapter.

Section 2. All Acts or parts of Acts inconsistent with the foregoing are hereby repealed.

Approved April 15, 1935.

CHAPTER 220

BETTING AND WAGERING

AN ACT TO AMEND THE FIRST PARAGRAPH OF 3572. SEC. 137 OF CHAPTER 100 OF THE REVISED CODE OF DELAWARE OF 1915, RELATING TO BETTING AND WAGERING UPON CONTEST OF SKILL OR SPEED.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the first paragraph of 3572, Sec. 137 of Chapter 100 of the Revised Code of Delaware of 1915 be and the same is hereby amended by striking out all of said first paragraph, and inserting in lieu thereof the following:

3572. Sec. 137. Contest of Skill, Speed or Power of Endurance; Keeping Books or Devices for Recording &c. Bets or Wagers; Recording Bets or Wagers; Ownership or Occupancy of Premises Where Same is Done; Misdemeanor; Penalty:—Whoever keeps, exhibits or uses, or is concerned in interest in keeping, exhibiting or using, any book or books, device, apparatus or paraphernalia, for the purpose of receiving, recording, or registering bets or wagers upon the result of any trial, or contest, in the State of Delaware, or elsewhere, of skill, speed or power of endurance of man or beast; and any owner, lessee or occupant of any room, house, building, enclosure, or place of any kind, who keeps, exhibits, uses or employs therein, or permits or allows to be kept, exhibited, used or employed therein, or who is concerned in interest in keeping, exhibiting, using or employing therein any book, or books, device, apparatus or paraphernalia, for the purpose of receiving, recording or registering such bets, or wagers, or of forwarding in any manner any money, thing or consideration of value for the purpose of being bet or wagered upon the result of any trial or contest as aforesaid; and whoever records or registers such bets, or wagers, or receives, contracts, or agrees to receive any money or thing of value for the purpose, or with the intent to bet or wager for himself or any other person or persons, such money or thing of value, or any part thereof, or the equivalent thereof, or of any part thereof, upon the result of any trial or contest in the State of Delaware, or elsewhere, of

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skill, speed or power of endurance of man, or beast, or is concerned in interest therein, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding Two Thousand Dollars, or imprisoned for a term not exceeding two years, or both, in the discretion of the Court; provided that the provisions of this Section shall not apply to any bet or wager made upon any horse race and made within the enclosure of any race meeting licensed and conducted under the laws of this State, and made by or through the means of a pari-mutuel or totalizator pool, the conduct of which is duly licensed by the Delaware Racing Commission, which exception need not be negated in any indictment or information.

Section 2. All Acts or parts of Acts inconsistent herewith are hereby repealed so far as such inconsistency exists and particularly is repeal made of the last paragraph of Section 16, Chapter 62, Volume 38, Laws of Delaware, as amended and approved February 6th, A. D. 1935, which last paragraph reads as follows:

"Whoever shall bet or wager, or receive any bet or wager of any money or valuable thing on the result of any race authorized by this Act, except within the enclosure of any race meeting licensed and conducted under this Act and by or through the means of a pari-mutuel or totalizator pool, the conduct of which is duly licensed by the Delaware Racing Commission under this Act, shall be fined in a sum not exceeding One Thousand Dollars (\$1,000.00) or imprisoned for a period not exceeding two years, or both, in the discretion of the Court."

Section 3. The provisions of said first paragraph of 3572. Section 137 of Chapter 100 of the Revised Code of Delaware of 1915 as heretofore existing, shall be continued in full force and effect as respects any offense committed or any penalty incurred prior to the date of this Act.

Approved March 27, 1935.

CHAPTER 221

USE OF MILK BOTTLES AND OTHER RECEPTACLES

AN ACT TO AMEND CHAPTER 100, 3594 SECTION 159, AS AMENDED BY CHAPTER 210, VOLUME 35, LAWS OF DELAWARE, IN RELATION TO THE USE OF MILK BOTTLES AND OTHER RECEPTACLES USED IN THE SALE AND DELIVERY OF DAIRY PRODUCTS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That 3594, Section 159, of Chapter 100 of the Revised Code of the State of Delaware, as amended by Chapter 210, Volume 35, Laws of Delaware, be and the same is hereby amended by striking out all of said Section and the amendment thereto and inserting in lieu thereof the following 11 Sections to be known respectively as 3594, Section 159; 3594A, Section 159A; 3594B, Section 159B; 3594C, Section 159C; 3594D, Section 159D; 3594E, Section 159E; 3594F, Section 159F; 3594G, Section 159G; 3594H, Section 159H; 3594I, Section 159I; and 3594J, Section 159J.

3594, Section 159. Any person, firm or corporation engaged in manufacturing, bottling, or selling milk, cream, or other dairy products in bottles, boxes, tins, cans, or other receptacles or containers, with his, her, their, or its name or names or other mark or marks, or device or devices, branded, stamped, engraved, etched, blown, impressed or otherwise produced upon such bottles, boxes, tins, cans or other receptacles or containers used by him, her, them, or it, in the same or delivery of milk, cream, or other dairy products, may file in the Office of the Secretary of State a description of the name or names, marks or devices so used by him, her, them or it, respectively, and cause such description to be printed once a week for two weeks successively in a newspaper published in the County in which the principal office or place of business of the owner shall be located and, upon legal proof being furnished the Secretary of State a certificate shall be issued by the Secretary of State, which certificate shall be competent evidence in any court of law of the State of Delaware of the right of such person or persons, or such firm or firms, or such corporation or corporations, to

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the absolute use of such bottles, boxes, tins, cans, or other receptacles or containers, with such devices marked thereon, and of the publication and registration of the same. Provided, however, that if such person or persons, firm or firms, corporation or corporations, shall have obtained a certificate from the Secretary of State and thereafter retire from business, such person or persons, firm or firms, corporation or corporations, shall have the right to legally transfer such certificate to such person or persons, firm or firms, corporation or corporations, who shall succeed such person, firm or corporation in the business aforesaid.

3594A. Section 159A. It is hereby declared to be unlawful for any person, firm or corporation to fill with milk, cream or other dairy products, or other beverages, oils, compounds or mixtures, any bottles, boxes, tins, cans, or other receptacles or containers, so marked or distinguished by or with any name, mark or device, of which such a description shall have been filed and published as provided for in this Act; or to deface, erase, obliterate, cover up, or otherwise remove or conceal, any such name, mark or device thereon; or to sell, buy, give, take, retain, or to break, mutilate or destroy, or otherwise dispose of, or traffic in the same; without the written consent of the owner or owners thereof being first obtained.

3594B, Section 159B. The fact of any person, firm, or corporation other than the rightful owner or owners thereof using any such bottles, boxes, tins, cans, or other receptacles or containers for the sale or storage therein of any milk, cream or other dairy products, or other beverages, oils, compounds or mixtures, without the written consent of such owner or owners, of which a description of the names, marks, or devices thereon shall have been filed and published in the manner provided for in this Act; or the buying, selling, using, disposing of, destroying, retaining, or trafficking in such bottles, boxes, tins, cans, or other receptacles or containers, by any person, firm, or corporation other than the owner or owners thereof, without such written consent; or having in his, her, their or its possession, by any junk dealer or other dealer in second-hand articles, of any such bottles, boxes, tins, cans, or other receptacles or containers, of which a description of the names, marks, or devices thereon has been so filed and published as aforesaid, without any

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written consent, is declared to be prima facie evidence of the unlawful use, retention, possession of, or trafficking in such bottles, boxes, tins, cans, or other receptacles or containers.

3594C, Section 159C. The requiring, taking, or accepting of any deposit upon the delivery of any bottle, box, tin, can or other receptacles or containers, the name, mark, or device upon which has been filed and published as provided for in this Act, shall not be deemed to constitute a sale thereof, either optional or otherwise.

3594D, Section 159D. The owner or proprietor, or his or its agent or agents, may take possession of any such bottles, boxes, tins, cans, or other receptacles or containers, used in violation of this Act, whether such receptacles or containers be full or partly full of any liquid, beverage or other substance, or empty, and shall not be liable in damages therefor, or for any trespass arising out of such taking possession. Should the party or parties having possession of such receptacles or containers refuse to empty the same of the contents contained therein immediately, upon notice and demand by the owner or proprietor, or his or its agent or agents, then such owner, proprietor or agent may empty such receptacles or containers and shall not be liable therefor.

3594E, Section 159E. If any person shall make oath or affirmation before the Municipal Court of the City of Wilmington or any Justice of the Peace that he has reason to believe that any of the bottles, boxes, tins, cans, or other receptacles or containers, the property of any person, firm or corporation who have complied with the provisions of this Act are being unlawfully used, filled or trafficked in, retained or destroyed or possessed by any person, firm or corporation engaged in manufacturing or selling milk, cream, or other dairy products, or other beverages, oils, compounds, or mixtures; or that any junk dealer in second-hand articles, or any other person, firm or corporation who has any such bottles, boxes, tins, cans, or other receptacles or containers, in his, her, their or its possession, or secreted in any place; the said Municipal Court of the City of Wilmington or Justice of the Peace shall issue a search warrant, which may be served at any time during the day or night, to discover and obtain the same, and to bring before such Muni-

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pal Court of the City of Wilmington or Justices of the Peace the person or persons in whose possession such bottles, boxes, tins, cans or other receptacles or containers may be found; and if any such are found unlawfully in the possession of any such person or persons, the said person or persons shall, for the first offense, forfeit and pay the sum of Fifty Cents for each bottle, box, tin, can, or other receptacle or container so unlawfully filled or sold, or used, or disposed of, or bought, or trafficked in, together with the cost of suit, and for each subsequent offense, forfeit and pay the sum of One Dollar for each bottle, box, tin, can or other receptacle or container, together with the cost of suit; to be recovered before the Municipal Court of the City of Wilmington or any Justice of the Peace as fines and penalties are by law recovered for the use of the State.

The following form shall constitute the warrant mentioned in this Section:

".....County, SS.
The State of Delaware.

To any constable of the said.....Greeting:

Whereas, due proof has this day been made before meJudge of the Municipal Court of Wilmington, or Justice of the Peace for.....on oath of..... of said that one is unlawfully using and now has concealed in his (or her) premises, or in his (or her) wagons, the bottles of said deponent, obtained by purchase, traffic or gift from others than the rightful owner thereof. These are therefore in the name and by the authority of the State of Delaware, and by virtue of the powers and duties attaching to me under the Act of the General Assembly in such case made and provided, to authorize you, the said constable, with necessary and proper assistance, diligently to search for the said bottles on the premises of the said....., and if the same be found, upon search, you do bring the same before me to be dealt with according to law.

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Witness the saidwho hath hereunto set his hand and seal, the day of, A. D. 19.....”.

3594F, Section 159F. Glass bottles used in the sale and delivery of milk, cream and other dairy products shall be sterilized before each and every filling, and shall not be used by the owner or owners thereof, or by any other person or persons, for any other purpose whatsoever.

Whosoever shall violate any of the provisions of this Section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding Ten Dollars for each offense.

3594G, Section 159G. Any Justice of the Peace of the County in which any of the above offenses shall have been committed shall have jurisdiction to hear, try and determine any violation under this Act.

3594H, Section 159H. The Municipal Court of the City of Wilmington shall have concurrent jurisdiction of all violations of this Act committed within the corporate limits of the City of Wilmington.

3594I, Section 159I. Any person, firm or corporation convicted under the provisions of this Act shall have the right of an appeal to the Court of General Sessions of the County, upon giving bond with surety satisfactory to the Justice of the Peace or Judge before whom such person shall have been convicted. Such appeal to be taken and bond given within five days from the time of conviction.

3594J, Section 159J. All laws or parts of law inconsistent hereto to be and the same are hereby repealed.

Approved April 15, 1935.

CHAPTER 222

CEMETERIES

AN ACT TO AUTHORIZE CEMETERY CORPORATIONS TO HOLD TRUST FUNDS IN PERPETUITY OR FOR ANY SHORTER TIME, THE INCOME OF WHICH IS TO BE APPLIED TO THE CARE AND UPKEEP OF CEMETERIES OR LOTS THEREIN.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That any corporation created and existing under the laws of this State and owning one or more cemeteries in this State may take and hold, in perpetuity or for any shorter time, any real and/or personal property which shall be given, granted, devised or bequeathed to said corporation upon the trust to invest and reinvest the said property and to use and apply the income thereof for the care, improvement or embellishment of such cemetery or cemeteries, or of any one or more lot or lots therein, or for the erection or preservation of any buildings, structures or fences erected or to be erected upon any one or more of the lot or lots in said cemetery or cemeteries, or for the erection, repair, preservation or renewal of any tomb, tombstone, monument, gravestone, mausoleum, fence, railing or other erection in, on or around any said lot or lots, or for planting and cultivating trees, shrubs, flowers or plants in, on or around any such lot or lots, or for any and all of such purposes, in accordance with the terms and provisions of such gift, grant, devise or bequest, which terms and provisions may restrict the use and application of the income of said trust fund to any one lot whether owned by the donor of said trust fund or by any other person or persons.

Section 2. That any real estate so given, granted or devised to such corporation in trust as aforesaid, other than a lot or lots in said cemetery or cemeteries, may be sold and conveyed by said cemetery corporation at its discretion and the proceeds thereof shall be held under the same uses and trusts and subject to the same limitations as applied to the real estate before the sale thereof;

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provided however, that the donor of said real estate may provide otherwise in the trust instrument.

Section 3. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Approved April 18, 1935.

CHAPTER 223

CEMETERIES

AN ACT TO AUTHORIZE THE CONVEYANCE OF BURIAL LOTS AND PLOTS IN CEMETERIES OF THIS STATE IN TRUST IN PERPETUITY OR FOR ANY SHORTER TIME.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That it shall be lawful for the owner or owners of any burial lot or plot in any cemetery in this State, whether or not there shall then have been one or more interments in said lot or plot, to convey the same in trust to the corporation owning or maintaining such cemetery or to any trust company, bank or banking company of this State, or to any bank or banking company organized under the laws of the United States and doing business in this State, and for such corporation, trust company, bank or banking company to hold the title thereto in perpetuity or for any shorter time for the use and benefit of the owners of said lot or plot and for the protection of the bodies theretofore interred therein or which may thereafter be interred therein, pursuant to the terms of said deed of trust; provided however, that before any such conveyance shall be made the corporation owning or conducting the cemetery in which such lot or plot is located shall, by a resolution of its Board of Directors or Managers passed at a regular meeting of such Board, authorize such conveyance.

Section 2. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Approved April 18, 1935.

CHAPTER 224

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AN ACT AUTHORIZING THE TRUSTEES OF GRACE METHODIST EPISCOPAL CHURCH, INC., OF THE TOWN OF MILLSBORO, IN SUSSEX COUNTY, DELAWARE, TO DISINTER AND REMOVE FROM THE OLD AND LONG UNUSED CEMETERY OF SAID CHURCH THE BODIES NOW BURIED THEREIN AND REINTER SAID BODIES IN ANOTHER CEMETERY AT OR NEAR SAID TOWN.

WHEREAS, in the town of Millsboro, in Sussex County, Delaware, there is a very small and very old cemetery on the property of and belonging to Grace Methodist Episcopal Church, Inc., of said Town, and immediately adjoining the Church Building or House of Worship of said Church; and

WHEREAS, the said cemetery has long been neglected and no bodies have been buried therein for more than a generation; and

WHEREAS, the said Church desires to use the said cemetery lot to enlarge or rebuild its Church Building or House of Worship, the said cemetery lot being very small and so closely situated as to prevent any enlargement or rebuilding of the Church Building or House of Worship without the use of said cemetery lot for such purpose; and

WHEREAS, there are not more than twenty-five or thirty graves in the said cemetery, all very old and in which the bodies have been buried for many years, and it is the intent and purpose of the Trustees of the said Church, with the consent and approval of the relatives of the deceased persons therein buried, to carefully disinter the bodies of the deceased persons buried in said cemetery and reinter said bodies in another and well cared for cemetery at or near the said Town;

Now therefore, be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Trustees of the said Church be and they are hereby authorized and fully empowered to carefully and prop-

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erly disinter and remove all of the bodies from the said cemetery and carefully and properly reinter the said bodies in the cemetery of the Junior Order of American Mechanics, at or near said Town of Millsboro, first having secured the consent of the governing body of the said Order so to do.

Section 2. That, before removing any of the said bodies from the said cemetery as aforesaid, the said Trustees shall first make reasonable effort to get the consent in writing of the relatives of the said deceased persons whose bodies are therein buried and which bodies they propose to remove; and if said Trustees are unable to find such relatives or any of them, they shall advertise in at least one weekly newspaper in Sussex County, for three successive weeks, that they propose removing said bodies in accordance with this Act; and if, after such advertising, or as a result of such advertising, the said Trustees are not able to find said relatives or any of them, and no objection is made by any known relative, then and in such event, the said Trustees shall be presumed to have secured the consent of any and all of such relatives as provided for in this Act.

Section 3. That all acts or parts of acts inconsistent with the provisions of this Act be and the same are hereby repealed to the extent and only to the extent of such inconsistency.

Approved April 1, 1935.

CHAPTER 225

NARCOTIC DRUGS

AN ACT DEFINING AND RELATING TO NARCOTIC DRUGS AND THE USE THEREOF, REGULATING AND PROHIBITING THE MANUFACTURE, POSSESSION, CONTROL, SALE, PRESCRIPTION, ADMINISTRATION, DISPENSATION AND COMPOUNDING THEREOF, PROVIDING PENALTIES FOR THE VIOLATION THEREOF, PROVIDING FOR THE COMMITMENT OF PERSONS ADDICTED TO THE USE THEREOF, REGULATING AND PROHIBITING THE SALE AND POSSESSION OF INSTRUMENTS ADAPTED FOR THE USE OF NARCOTIC DRUGS BY SUBCUTANEOUS INJECTION, MAKING UNIFORM THE LAW WITH REFERENCE THERETO, AND REPEALING ALL ACTS OR PARTS OF ACTS INCONSISTENT THEREWITH.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. The following words and phrases, as used in this act, shall have the following meanings, unless the context otherwise requires.

(1) "Person" includes any corporation, association, copartnership, or one or more individuals.

(2) "Physician" means a person authorized by law to practice medicine in this state and any other person authorized by law to treat sick and injured human beings in this state and to use narcotic drugs in connection with such treatment.

(3) "Dentist" means a person authorized by law to practice dentistry in this state.

(4) "Veterinarian" means a person authorized by law to practice veterinary medicine in this state.

(5) "Manufacturer" means a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares

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narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.

(6) "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced nor prepared, on official written orders, but on prescriptions.

(7) "Apothecary" means a licensed pharmacist as defined by the laws of this state, and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this act shall be construed as conferring on a person who is not registered or licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this state.

(8) "Hospital" means an institution for the care and treatment of the sick and injured, approved by the State Board of Health as proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist or veterinarian.

(9) "Laboratory" means a laboratory approved by the State Board of Health as proper to be entrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific and medical purposes and for purposes of instruction.

(10) "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee.

(11) "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made.

(12) "Opium" includes morphine, codeine, and heroin, and any compound, manufacture, salt, derivative, mixture, or preparation of opium, but does not include apomorphine or any of its salts.

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(13) "Narcotic drugs" means coca leaves and opium and every substance neither chemically nor physically distinguishable from them, morphine, cocaine, chloral-hydrate, alpha or betaeucaine, heroin, codeine, cannabis indica, cannabis americana, cannabis sativa, loco weed, Canadian hemp, marajuahana, marajuana, and all allied drugs of the same botanical family, or any compound, manufacture, salt, derivative, or preparation thereof, or any synthetic substitute therefor.

(14) "Federal Narcotic Laws" means the laws of the United States relating to opium, coca leaves, and other narcotic drugs.

(15) "Official written order" means an order written on a form provided for that purpose by the United States Commissioner of Internal Revenue, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the State Board of Health.

(16) "Dispense" includes distribute, leave with, give away, dispose of, or deliver.

(17) "Registry number" means the number assigned to each person registered under the Federal Narcotic Laws.

Section 2. It shall be unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense, or compound any narcotic drug, except as authorized in this act.

Section 3. No person shall manufacture, compound, mix, cultivate, grow, or by any other process produce or prepare narcotic drugs, and no person as a wholesaler shall supply the same, without having first obtained a license so to do from the State Board of Health.

Section 4. No license shall be issued under the foregoing sections unless and until the applicant therefor has furnished proof satisfactory to the State Board of Health:

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(a) That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character.

(b) That the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his application.

No license shall be granted to any person who has within five years been convicted of a wilful violation of any law of the United States, or of any state, relating to opium, coca leaves, or other narcotic drugs, or to any person who is a narcotic drug addict.

The State Board of Health may suspend or revoke any license for cause.

Section 5. (1) A duly licensed manufacturer or wholesaler may sell and dispense narcotic drugs to any of the following persons, but only on official written orders:

(a) To a manufacturer, wholesaler, or apothecary.

(b) To a physician, dentist, or veterinarian.

(c) To a person in charge of a hospital, but only for use by or in that hospital.

(d) To a person in charge of a laboratory, but only for use in that laboratory for scientific and medical purposes.

(2) A duly licensed manufacturer or wholesaler may sell narcotic drugs to any of the following persons:

(a) On a special written order accompanied by a certificate of exemption, as required by the Federal Narcotic Laws, to a person in the employ of the United States Government or of any state, territorial, district, county, municipal, or insular government, purchasing, receiving, possessing, or dispensing narcotic drugs by reason of his official duties.

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(b) To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, for the actual medical needs of persons on board such ship or aircraft, when not in port. Provided: Such narcotic drugs shall be sold to the master of such ship or person in charge of such aircraft only in pursuance of a special order form approved by a commissioned medical officer or acting assistant surgeon of the United States Public Health Service.

(c) To a person in a foreign country if the provisions of the Federal Narcotic Laws are complied with.

(3) An official written order for any narcotic drug shall be signed in duplicate by the person giving said order or by his duly authorized agent. The original shall be presented to the person who sells or dispenses the narcotic drug or drugs named therein. In the event of the acceptance of such order by said person, each party to the transaction shall preserve his copy of such order for a period of two years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this act. It shall be deemed a compliance with this subsection if the parties to the transaction have complied with the Federal Narcotic Laws, respecting the requirements governing the use of order forms.

(4) Possession of or control of narcotic drugs obtained as authorized by this section shall be lawful if in the regular course of business, occupation, profession, employment, or duty of the possessor.

(5) A person in charge of a hospital or of a laboratory, or in the employ of this state or of any other state, or of any political subdivision thereof, and a master or other proper officer of a ship or aircraft, who obtains narcotic drugs under the provisions of this section or otherwise, shall not administer, nor dispense, nor otherwise use such drugs, within this state, except within the scope of his employment or official duty, and then only for scientific or medicinal purposes and subject to the provision of this act.

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Section 6. (1) An apothecary, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription of a physician, dentist, or veterinarian, dated and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which the drug is dispensed, and the full name, address and registry number under the Federal Narcotic Laws of the person prescribing, if he is required by those laws to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this act. The prescription shall not be refilled.

(2) The legal owner of any stock of narcotic drugs in a pharmacy, upon discontinuance of dealing in said drugs, may sell said stock to a manufacturer, wholesaler, or apothecary, but only on an official written order.

(3) An apothecary, only upon an official written order, may sell to a physician, dentist, or veterinarian, in quantities not exceeding one ounce at any one time, aqueous or oleaginous solutions of which the content of narcotic drugs does not exceed a proportion greater than twenty per cent of the complete solution, to be used for medical purposes.

Section 7. (1) A physician or a dentist, in good faith and in the course of his professional practice only, may prescribe, administer, and dispense narcotic drugs, or he may cause the same to be administered by a nurse or interne under his direction and supervision.

(2) A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense narcotic drugs, and he may cause

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them to be administered by an assistant or orderly under his direction and supervision.

(3) Any person who has obtained from a physician, dentist, or veterinarian any narcotic drug for administration to a patient during the absence of such physician, dentist, or veterinarian, shall return to such physician, dentist or veterinarian any unused portion of such drug, when it is no longer required by the patient.

Section 8. Except as otherwise in this act specifically provided, this act shall not apply to the following cases:

(1) Prescribing, administering, dispensing, or selling at retail of any medicinal preparation that contains in one fluid ounce, or if a solid or semi-solid preparation, in one avoirdupois ounce, (a) not more than two grains of opium, (b) not more than one-quarter of a grain of morphine or of any of its salts, (c) not more than one grain of codeine or any of its salts, (d) not more than one-eighth of a grain of heroin or of any of its salts, (e) and not more than one of the drugs named above in clauses (a), (b), (c), and (d).

(2) Prescribing, administering, dispensing, or selling at retail of liniments, ointments, and other preparations, that are susceptible of external use only and that contain narcotic drugs in such combinations as prevent their being readily extracted from such liniments, ointments, or preparations, except that this act shall apply to all liniments, ointments and other preparations, that contain coca leaves in any quantity or combination.

The exemptions authorized by this Section shall be subject to the following conditions:

(a) No person shall prescribe, administer, dispense, or sell under the exemptions of this section, to any one person, or for the use of any one person or animal, any preparation or preparations included within this section, when he knows, or can by reasonable diligence ascertain, that such prescribing, administering, dispensing, or selling will provide the person to whom or for whose use, or

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the owner of the animal for the use of which, such preparation is prescribed, administered, dispensed, or sold, within any forty-eight consecutive hours, with more than four grains of opium, or more than one-half grain of morphine or of any of its salts, or more than two grains of codeine or of any of its salts, or more than one-quarter of a grain of heroin or of any of its salts, or will provide such person or the owner of such animal, within forty-eight consecutive hours, with more than one preparation exempted by this section from the operation of this act.

(b) The medicinal preparation, or the liniment, ointment, or other preparation susceptible of external use only, prescribed, administered, dispensed, or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone. Such preparation shall be prescribed, administered, dispensed, and sold in good faith as a medicine, and not for the purpose of evading the provisions of this act.

Nothing in this section shall be construed to limit the kind and quantity of any narcotic drug that may be prescribed, administered, dispensed, or sold, to any person or for the use of any person or animal, when it is prescribed, administered, dispensed, or sold, in compliance with the general provisions of this act.

Section 9. (1) Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs, shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall, however, be deemed a sufficient compliance with this subsection if any such person using small quantities of solutions or other preparations of such drugs for local application, shall keep a record of the quantity, character, and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients.

Provided: That no record need be kept of narcotic drugs administered, dispensed, or professionally used in the treatment of any

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one patient, when the amount administered, dispensed, or professionally used for that purpose does not exceed in any forty-eight consecutive hours, (a) four grains of opium, or (b) one-half of a grain of morphine or of any of its salts, or (c) two grains of codeine or of any of its salts, or (d) one-fourth of a grain of heroin or of any of its salts, or (e) a quantity of any narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated.

(2) Manufacturers and wholesalers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown, or by any other process produced or prepared, and of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection 5 of this section.

(3) Apothecaries shall keep records of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection 5 of this section.

(4) Every person who purchases for resale, or who sells narcotic drug preparations exempted by Section 8 of this Act, shall keep a record showing the quantities and kinds thereof received and sold, or disposed of otherwise, in accordance with the provisions of subsection 5 of this section.

(5) The form of records shall be prescribed by the State Board of Health. The record of narcotic drugs received shall in every case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received; the kind and quantity of narcotic drugs produced or removed from process of manufacture, and the date of such production or removal from process of manufacture; and the record shall in every case show the proportion of morphine, cocaine, or ecognine contained in or producible from crude opium or coca leaves received or produced. The record of all narcotic drugs sold, administered, dispensed, or otherwise disposed of, shall show the date of selling, administering, or dispensing, the name and address of the person to whom, or for whose use, or the owner and species of animal for which the drugs were sold, administered or dispensed, and the kind

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and quantity of drugs. Every such record shall be kept for a period of two years from the date of the transaction recorded. The keeping of a record required by or under the Federal Narcotic Laws, containing substantially the same information as is specified above, shall constitute compliance with this section, except that every such record shall contain a detailed list of narcotic drugs lost, destroyed, or stolen, if any, the kind and quantity of such drugs, and the date of the discovery of such loss, destruction, or theft.

Section 10. (1) Whenever a manufacturer sells or dispenses a narcotic drug, and whenever a wholesaler sells or dispenses a narcotic drug in a package prepared by him, he shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of narcotic drug contained therein. No person, except an apothecary for the purpose of filling a prescription under this act, shall alter, deface, or remove any label so affixed.

(2) Whenever an apothecary sells or dispenses any narcotic drug on a prescription issued by a physician, dentist, or veterinarian, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name, address, and registry number, or the name, address, and registry number of the apothecary for whom he is lawfully acting; the name and address of the patient or, if the patient is an animal, the name and address of the owner of the animal and the species of the animal; the name, address, and registry number of the physician, dentist, or veterinarian, by whom the prescription was written; and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.

Section 11. A person to whom or for whose use any narcotic drug has been prescribed, sold, or dispensed, by a physician, dentist, apothecary, or other person authorized under the provisions of Section 5 of this act, and the owner of any animal for which any such drug has been prescribed, sold, or dispensed, by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

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Section 12. The provisions of this act restricting the possessing and having control of narcotic drugs shall not apply to common carriers or to warehouseman, while engaged in lawfully transporting or storing such drugs, or to any employee of the same acting within the scope of his employment; or to public officers or their employees in the performance of their official duties requiring possession or control of narcotic drugs; or to temporary incidental possession by employees or agents of persons lawfully entitled to possession, or by persons whose possession is for the purpose of aiding public officers in performing their official duties.

Section 13. Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by narcotic drug addicts for the purpose of using narcotic drugs or which is used for the illegal keeping or selling of the same, shall be deemed a common nuisance. No person shall keep or maintain such a common nuisance.

Section 14. All narcotic drugs, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer, shall be forfeited, and disposed of as follows:

(a) Except as in this section otherwise provided, the court or magistrate having jurisdiction shall order such narcotic drugs forfeited and destroyed. A record of the place where said drugs were seized, of the kinds and quantities of drugs so destroyed, and of the time, place and manner of destruction, shall be kept, and a return under oath, reporting said destruction, shall be made to the court or magistrate and to the United States Commissioner of Internal Revenue, by the officer who destroys them.

(b) Upon a written application by the State Board of Health, the court or magistrate by whom the forfeiture of narcotic drugs has been decreed may order the delivery of any of them, except heroin and its salts and derivatives, to said State Board of Health, for distribution or destruction, as hereinafter provided.

(c) Upon application by any hospital within this State, not operated for private gain, the State Board of Health may in its dis-

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cretion deliver any narcotic drugs that have come into its custody by authority of this section to the applicant for medicinal use. The State Board of Health may from time to time deliver excess stocks of such narcotic drugs to the United States Commissioner of Internal Revenue, or may destroy the same.

(d) The State Board of Health shall keep a full and complete record of all drugs received and of all drugs disposed of, showing the exact kinds, quantities, and forms of such drugs; the persons from whom received and to whom delivered; by whose authority received, delivered and destroyed; and the dates of the receipt, disposal, or destruction, which record shall be open to inspection by all Federal or State officers charged with the enforcement of Federal and State narcotic laws.

Section 15. On the conviction of any person of the violation of any provision of this act, a copy of the judgment and sentence, and of the opinion of the court or magistrate, if any opinion be filed, shall be sent by the clerk of the court, or by the magistrate, to the board or officer, if any, by whom the convicted defendant has been licensed or registered to practice his profession or to carry on his business. On the conviction of any such person, the court may, in its discretion, suspend or revoke the license or registration of the convicted defendant to practice his profession or to carry on his business. On the application of any person whose license or registration has been suspended or revoked, and upon proper showing and for good cause, said board or officers may reinstate such license or registration.

Section 16. Prescription, orders, and records, required by this act, and stocks of narcotic drugs, shall be open for inspection only to federal, state, county and municipal officers, whose duty it is to enforce the laws of this state or of the United States relating to narcotic drugs. No officer having knowledge by virtue of his office of any such prescription, order, or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, orders, or records relate is a party.

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Section 17. (1) No person shall obtain or attempt to obtain a narcotic drug, or procure or attempt to procure the administration of a narcotic drug, (a) by fraud, deceit, misrepresentation, or subterfuge; or (b) by the forgery or alteration of a prescription or of any written order; or (c) by the concealment of a material fact; or (d) by the use of a false name or the giving of a false address.

(2) Information communicated to a physician in an effort unlawfully to procure a narcotic drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(3) No person shall wilfully make a false statement in any prescription, order, report, or record, required by this act.

(4) No person shall, for the purpose of obtaining a narcotic drug, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person.

(5) No person shall make or utter any false or forged prescription or false or forged written order.

(6) No person shall affix any false or forged label to a package or receptacle containing narcotic drugs.

(7) The provisions of this section shall apply to all transactions relating to narcotic drugs under the provisions of Section 8 of this act, in the same way as they apply to transactions under all other sections.

Section 18. That whenever a complaint shall be made to any Justice of the Peace that any person is addicted to the use of the drugs mentioned in this Act in a manner contrary to the public welfare, and such use is not prescribed, directed or approved by a duly licensed physician acting in the course of his professional practice, and such Justice of the Peace, after a fair hearing held upon a reasonable notice, is satisfied that the complaint is sufficiently

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founded he may commit such person to a State, County, or City hospital or institution. Whenever it shall appear to any Justice of the Peace that such person is no longer addicted to the use of the aforesaid drugs in a manner contrary to the public welfare, or in his discretion, he may order a discharge from such commitment. The provisions of this Section shall not be construed to prohibit any person committed to any institution under its provisions from appealing to any Court having jurisdiction for a review of the sufficiency of the evidence upon which the commitment was made.

Section 19. That the board or officers of this State duly empowered to issue a license to a physician, dentist, veterinary surgeon, pharmacist or nurse, authorizing the practice of such professions in this State may, at any time, and after a fair hearing held upon a reasonable notice, revoke such license upon the production of sufficient evidence that the licensee is addicted to the use of the drugs mentioned in this act in a manner contrary to the public welfare. Whenever it shall appear to such board or officers that such physician, dentist, veterinary surgeon, pharmacist or nurse is no longer addicted to the use of the aforesaid drugs in a manner contrary to the public welfare, they may reissue said license.

Section 20. It is unlawful for any person to sell at retail or to furnish to any person other than a duly licensed physician, dentist or veterinary surgeon, an instrument commonly known as a hypodermic syringe or an instrument commonly known as a hypodermic needle, or any instrument adapted for the use of narcotic drugs by subcutaneous injection, without a written order of a duly licensed physician, dentist, or veterinary surgeon. Every person who disposes of or sells at retail, or furnishes or gives away to any person the above instruments, upon the written order of a duly licensed physician, dentist or veterinary surgeon, shall before delivering the same, enter in a book kept for that purpose the day of the sale, the name, age and address of the purchaser, and a description of the instrument sold, disposed of, furnished or given away. It shall be unlawful for any person or persons, except a licensed pharmacist, licensed druggist, licensed physician, licensed dentist, licensed veterinary surgeon, hospital or regular dealer in medical or surgical supplies, to possess such instrument, without having in their pos-

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session a certificate from a physician certifying that the possession of such instrument is necessary for the treatment of injury, deformity or disease then suffered by the person possessing the same, or if possessed by a nurse, a certificate from a duly licensed physician that such possession is for professional purposes. Any person or persons who sell, dispose of or give away any instrument commonly known as a hypodermic syringe, or an instrument commonly known as a hypodermic needle, or any instrument adapted for the use of narcotic drugs by subcutaneous injection, except in the manner prescribed in this section, shall be guilty of a misdemeanor, provided, however, that any person owning or having in his possession any such hypodermic syringe or hypodermic needle, or any instrument adapted for the use of narcotic drugs by subcutaneous injection at the time this section takes effect, may lawfully keep or retain the same upon obtaining from a duly licensed and registered physician, dentist or veterinary surgeon within ten days after this section shall take effect, a certificate to the effect that such syringe, needle or instrument was purchased before this section took effect, and that such syringe, needle or instrument may be required for future use for treatment of an injury, deformity or disease from which the person possessing the instrument is then suffering.

Section 21. Every Justice of the Peace, upon information made under oath or affirmation that any person is manufacturing, possessing, having under his control, selling, prescribing, administering, dispensing, or compounding, any narcotic drug, hypodermic needle, or any instrument adapted for the use of narcotic drugs by subcutaneous injection, contrary to law, or that the affiant has cause to believe and does believe that such narcotic drugs, hypodermic syringe, hypodermic needle, or instrument adapted for the use of narcotic drugs by subcutaneous injection, are being manufactured, possessed, controlled, sold, prescribed, administered, dispensed or compounded, in any house, building, store, place of business or other place named therein, contrary to the provisions of this act, shall issue his warrant requiring the person or persons suspected to be arrested, and the said house, building, store, place of business or other place to be searched, and the parties found therein to be arrested and brought before him as aforesaid, and in such warrant shall require the officer to whom it is directed to seize and hold all

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narcotic drugs, hypodermic syringes, hypodermic needles and instruments adapted for the use of narcotic drugs by subcutaneous injection, found in such house, building, store, place of business, or other place, and also all vessels, fixtures, containers, bottles, apparatus, and other appurtenances apparently used in connection therewith, contrary to law. All drugs or other articles so seized shall be safely retained in the custody of the officer seizing the same, and a true inventory thereof filed with the Justice or Clerk of the Court having jurisdiction of the cause. Said drugs or other articles so seized and retained shall be used as evidence in any cause or causes for alleged violation or violations of any of the provisions of this act, and upon the termination of said cause or causes shall be disposed of by order of the court having jurisdiction of said cause or causes.

Section 22. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this act, it shall not be necessary to negative any exception, excuse, proviso, or exemption, contained in this act, and the burden of proof of any such exception, excuse, proviso, or exemption, shall be upon the defendant.

Section 23. It is hereby made the duty of the State Board of Health, its officers, agents, inspectors and representatives, and of all peace officers within the state, and of the Attorney General, to enforce all provisions of this act, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states, relating to narcotic drugs.

Section 24. Any person who violates or fails to comply with any of the provisions or requirements of this act shall upon conviction be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than Three Thousand Dollars (\$3,000.00) or by imprisonment for not more than ten years, or both, in the discretion of the Court. The Municipal Court of the City of Wilmington shall have concurrent jurisdiction of all violations of the provisions and requirements of this act occurring within the corporate limits of the City of Wilmington.

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Section 25. No person shall be prosecuted for a violation of any provision of this act if such person has been acquitted or convicted under the Federal Narcotic Laws of the same act or omission which, it is alleged, constituted a violation of this act.

Section 26. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 27. This act shall be so interpreted and construed as to effectuate its general purpose, to make uniform the laws of those states which enact it.

Section 28. Article 40 of Chapter 100 of the Revised Code of the State of Delaware as amended by Chapter 214 Volume 30, Chapter 61 Volume 31, Chapter 197 Volume 32, Chapter 217 Volume 33, and Chapter 191 Volume 38, Laws of Delaware, and all acts or parts of acts which are inconsistent with the provisions of this act, be and the same are hereby repealed. All laws of the State of Delaware which are repealed by this act shall remain in force, so far as concern any crime or crimes committed before the passage of this act and which are punishable by any law or laws so repealed hereby.

Section 29. This act may be cited as the Uniform Narcotic Drug Act.

Section 30. This act shall take effect immediately upon its passage and approval.

Approved April 18, 1935.

CHAPTER 226

JAILS

AN ACT AUTHORIZING THE APPOINTMENT OF A WARDEN FOR SUSSEX COUNTY JAIL, DEFINING HIS POWERS AND DUTIES, AND PROVIDING FOR THE FORMULATION OF RULES AND REGULATIONS FOR SAID JAIL.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. The Levy Court of Sussex County is hereby empowered and authorized to appoint a Warden for Sussex County Jail. The person so appointed shall be of good moral character and experienced in the detention and handling of prisoners. He shall occupy the office of Warden of the Sussex County Jail at the pleasure of the Levy Court of Sussex County, and the said Levy Court shall provide him with board and living quarters at the Sussex County Home. The said Warden shall receive as his salary the sum of Sixteen Hundred Dollars (\$1600.00), annually, payable at such times and in such sums as the Levy Court shall determine. The Levy Court of Sussex County shall require the Warden, so appointed, to enter into bond, with sufficient surety to the Levy Court of Sussex County in the sum of Ten Thousand Dollars (\$10,000.00), conditioned for the faithful discharge of his duties as such Warden of Sussex County Jail.

Section 2. In order that he may better carry out the duties and requirements of his office, the said Warden, so to be appointed, is hereby authorized and empowered to appoint a Deputy or Assistant Warden, subject to the approval of the Levy Court of Sussex County, and a sufficient number of keepers, not, however to exceed eight in number. The Warden shall be responsible for the conduct of the Deputy or Assistant Warden and keepers so appointed.

The Deputy Warden so appointed, shall be provided by the Levy Court with board and living quarters at the Sussex County Home, and shall receive for his services the sum of Eleven Hundred Dollars (\$1100.00) annually, payable as the Levy Court shall de-

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termine, and he shall hold office at the pleasure of the Warden and the Levy Court of Sussex County.

The keepers shall likewise be appointed by the Warden, subject to the approval of the Levy Court of Sussex County for such terms as the Warden and the Levy Court of Sussex County shall see fit and they shall receive for their services each the sum of One Thousand Dollars (\$1,000.00), annually, payable as the Levy Court shall determine.

Section 3. The Levy Court of Sussex County together with the Judges of the Court of General Sessions of the State of Delaware resident in Sussex County, shall formulate rules and regulations for the proper operation and maintenance of said jail. Copies of such rules and regulations shall be posted at convenient places in the jail. Any person charged with violating any rule or regulation shall, after five days notice, be given a hearing before the Levy Court together with the Judges of the Court of General Sessions of the State of Delaware resident in Sussex County. If it be found at such hearing that the party charged is guilty of violating a rule or regulation, he shall be punished in such manner as the said Levy Court together with the said Judges, shall determine.

Section 4. The Levy Court of Sussex County shall provide the Warden with a proper and suitable vehicle with which to convey prisoners to and from the County Court House at Georgetown for trial and other appearances before the Court, and for the transportation of any prisoner or prisoners to the New Castle County Work House when such prisoner or prisoners are committed by the Court thereto. The vehicle to be furnished shall be used for no purpose or purposes other than those herein specified, except as the Judges of the Court of General Sessions resident in Sussex County shall direct. The said vehicle shall be operated by one of the keepers of said jail and the said Warden shall be responsible for the safe transportation of prisoners to and from said County Court House, and for the safe delivery to the New Castle County Work House of prisoners sentenced thereto.

Section 5. All prisoners that may be sentenced or committed by a magistrate in Sussex County shall be delivered by the officers

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having them in charge, to the Warden of the Sussex County Jail, and all prisoners, that may be sentenced or committed by the Court of General Sessions in and for Sussex County and the Court of Oyer and Terminer held in Sussex County, shall, except as by law otherwise provided, be committed to the custody of the Warden of the Sussex County Jail, for carrying into effect sentences imposed.

The said Warden shall have exclusive charge, control, and custody of all prisoners in the Sussex County Jail, and shall safely keep them for the residue of their terms of imprisonment, respectively, or until they be duly discharged.

All judgments or sentences considered and imposed by any court sitting in and for Sussex County, upon every person convicted of any crime, which judgments or sentences shall include, in whole or in part, either the corporal punishment of such convict or the hanging of such convict, shall be carried out and executed by the Warden of the Sussex County Jail.

Section 6. On and after the first day of January, A. D. 1936, the Warden of the Sussex County Jail shall have exclusive supervision and control over the farm upon which the jail is located. He shall have the power to employ prisoners upon the farm, and the produce thereof shall be used in feeding the prisoners in said jail and the live stock maintained upon said farm. The Levy Court of Sussex County is empowered to fix the compensation of such prisoners for the labor performed by them upon said farm, if, in the opinion of the Levy Court, it shall be deemed wise to pay prisoners for labor performed by them, and such compensation, if any shall be paid, shall either be held by the Levy Court until the expiration of the term of imprisonment of the prisoners so employed, or may be paid from time to time to the dependent families of such prisoners, as the Levy Court may decide.

The Warden shall have the power, by and with the approval of the Levy Court of Sussex County, to determine the crops to be grown upon the farm and the amount of each, in each and every year.

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The said Warden is hereby empowered and authorized to employ, subject to the approval of the Levy Court of Sussex County, a person, experienced in farming, as tenant farmer upon said farm. The person so appointed shall be employed at the pleasure of the said Levy Court and Warden. He shall have as his duties such as shall be prescribed by the said Warden and said Levy Court. He shall receive as his salary the sum of One Thousand Dollars (\$1000.00), annually, payable at such time and in such sums as the Levy Court shall determine. The Levy Court shall provide him with board and living quarters at the Sussex County Home.

Section 7. On and after the first day of January, A. D. 1937, the board of prisoners shall be furnished by the Warden under the direction and control of the Levy Court of Sussex County. The produce of the farm upon which the jail is located shall be used, so far as possible, to feed the prisoners in said Jail. Other food stuffs necessary to properly feed the prisoners shall be purchased by the Warden, by and with the approval of the Levy Court of Sussex County, and all charges therefor shall be paid by the Levy Court of Sussex County.

Section 8. From and after the passage of this Act, all Acts or Sections of the Revised Statutes, together with any amendments to the same, are hereby repealed, in so far as they may be inconsistent with the provisions thereof.

Approved March 20, 1935.

CHAPTER 227

DITCHES AND DRAINS—SUSSEX COUNTY

AN ACT AUTHORIZING THE LEVY COURT OF SUSSEX COUNTY TO BORROW ON THE CREDIT OF SUSSEX COUNTY A SUM OF MONEY NOT EXCEEDING THREE HUNDRED FIFTY THOUSAND DOLLARS FOR THE PURPOSE OF IMPROVING THE DITCHES AND DRAINS IN SAID COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in Genral Assembly met:

Section 1. The Levy Court of Sussex County is hereby authorized and empowered to borrow from the Federal Emergency Administration of Public Works a sum of money not exceeding Three Hundred Fifty Thousand Dollars (\$350,000.00), to be expended in the improvement of ditches and drains in Sussex County, said sum shall be borrowed upon the faith and credit of Sussex County.

Section 2. For the purpose of securing the payment of One Hundred Seventy-five Thousand Dollars (\$175,000.00), of said sum so borrowed upon the faith and credit of Sussex County, the Levy Court of Sussex County, is authorized to issue bonds in such denominations, at such rate of interest not exceeding five per centum per annum, as the Levy Court may deem expedient.

Section 3. The interest upon said bonds shall be payable semi-annually each year from the date of the issue. The Levy Court shall decide upon and determine the classes and times of maturity of said bonds, and the aggregate of each class. Bonds may contain provisions for the registration thereof as the Levy Court may determine. The bonds shall bear such date as the Levy Court may determine and shall be numbered serially.

Section 4. The bonds shall be prepared under the supervisions of the Levy Court and shall be signed by the Receiver of Taxes and County Treasurer, the President of the Levy Court and

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the Clerk of the Peace of Sussex County, and shall be under the Seal used by said Levy Court. The signature of the Receiver of Taxes and County Treasurer shall be engraved or printed on each coupon or interest warrant. It shall be the duty of the officers named to execute said bonds when directed by the Levy Court so to do, and it shall be the duty of the Receiver of Taxes and County Treasurer and of the Levy Court to keep a record of said bonds.

Section 5. The bonds shall be exempt from all State, County and municipal taxation, and the purchaser thereof shall not be obligated to see to or in any manner be responsible for the application of the purchase money; the bonds may be of such form and may contain such provisions as are not in conflict with the provisions hereof.

Section 6. The Levy Court shall determine when the bonds or any number thereof may be sold, and until sold said bonds shall remain in the custody of the Levy Court. Whenever it shall be deemed advisable that any part or all of said bonds shall be sold, the Levy Court shall sell and dispose of the same after having advertised them in the public papers at least once each week for at least three weeks. No commission or other compensation shall be charged or paid to the Levy Court, or any member thereof for effecting the sale or negotiation of said bond.

Section 7. The bonds, principal and interest, shall be payable at the Farmers Bank of the State of Delaware, at Georgetown, Delaware, and the Levy Court is directed to pay the interest on the bonds to said Farmers Bank when and as the same shall become due, and to pay said Bonds when and as the respective classes mature.

Section 8. The Levy Court of Sussex County shall annually raise by levy and taxation upon the real estate in the several drainage districts in Sussex County a sum sufficient for the payment of the interest due in such year upon said bonds, and as and when said bonds shall become due and payable, shall in like manner provide for a sum equal to the amount of such bonds in addition to the amount necessary to pay the interest on any unpaid bonds, which

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amount shall be set apart by the Receiver of Taxes and County Treasurer to be applied to the payment of interest on said bonds and the redemption thereof as they mature.

The sums to be raised for payment of interest and principal of said bonds as aforesaid, shall be raised in the same manner as ditch taxes are raised and shall be in addition to all sums authorized to be raised as ditch taxes by any other Statute.

Section 9. All money received from the sale of said bonds, after the payment of the charges and expenses connected with the preparation and sales thereof, shall be deposited in the Farmers Bank aforesaid, to the credit of the Levy Court in a separate account, and payments therefrom shall be made only upon the order of said Levy Court and in such manner as may be provided by said Levy Court; provided, that the money thus obtained shall be used for the purpose of paying off and discharging the sum borrowed, as aforesaid, from the Federal Emergency Administration of Public Works, and that no part of said money shall be used for any other purpose.

Approved April 22, 1935.

CHAPTER 228

DITCHES AND DRAINS—SUSSEX COUNTY

AN ACT WITH REFERENCE TO DITCHES AND DRAINS IN SUSSEX COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That from and after the passage of this Act, all ditches or drain companies or corporation providing for the care and maintenance of ditches or drains in Sussex County with a three foot bottom or more, upon request of the Levy Court of Sussex County, shall turn over to the Levy Court of Sussex County the care and maintenance of any or all such ditches in Sussex County which may come under its supervision, the said Levy Court of Sussex County hereafter to have full charge of and be responsible for, the care and maintenance of any and all ditches hereby placed under their control as aforesaid.

No ditch or drain company or corporation shall hereafter be permitted to make any assessment or levy any taxes with reference to the said ditches or drains placed under the control and supervision of the Levy Court of Sussex County as above, but shall forthwith relinquish all right, title or interest therein.

Section 2. The Levy Court of Sussex County shall have power and authority to lay out drainage districts in order to carry into effect the provisions of this Act.

Section 3. The Court of General Sessions in Sussex County shall have jurisdiction to lay out ditches, and also to widen, change and vacate the same in all cases.

The Resident Associate Judge in Sussex County also shall have jurisdiction to lay out ditches and to widen, change or vacate the same.

Proceeding in this behalf shall be carried on exclusively before the said Court or before the said Judge before whom the same

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shall be initiated, unless otherwise specially directed by the order of said Court or said Judge.

Section 4. Before any property, ground, sand, earth, gravel, stone or other ditch materials shall be taken or occupied for the purpose of extending, widening, changing, vacating, straightening, laying out or opening, building, improving or repairing any ditch or drain under the provisions of Section 4 to Section 12 inclusive of this Act, the owner or owners of such property, ground or material shall be paid or tendered such damages as they shall respectively be entitled to receive, which damages shall be assessed as follows, viz:

Five or more freeholders of the County, or the President of the Levy Court of the County upon resolution of said Court, may apply to the Court of General Sessions, or to the Resident Judge of the County where the property, ground or road materials desired to be taken are located, first giving all parties in interest or their legal representatives at least five days' notice in writing of the intended application, if they be within the State and under no legal disability to receive the same; and if any owner or party in interest be unknown, or without the State, or under legal disability to receive such notice, and having no legal representatives within the State, then such notice shall be published in some newspaper of the County in which such property ground or material proposed to be taken is located, at least five days previous to the intended application; and the said Court or the said Judge, as the case may be, shall appoint five judicious and impartial freeholders of the County to view the premises and material and make return on a day fixed by said Court or by said Judge, as the case may be, authorizing the freeholders, so appointed, to employ if necessary a surveyor, and directing them.

In an order on a petition for a new ditch or a drain, that if they judge such ditch or drain necessary they shall lay it out in the best way, having respect to the nature of the ground, the distance and other circumstances of public or private convenience or detriment, and shall make a map of such ditch or drain showing its courses and distances, the woodland and cleared land through which

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it passes, and other proper notes, and shall compute the cost of opening and making such ditch or drain and shall make said map and computation of costs and also their determination that such ditch or drain is needed for public convenience, part of their return.

Second: In an order made on a petition for changing the course or width of a ditch or drain, the direction shall be that, if they judge the changes asked for or any change of like effect proper, then they shall lay out such ditch or drain as will produce such change in the best way, having respect as aforesaid; and shall make a map as aforesaid, showing the change, and shall determine what part of the old ditch or drain shall be vacated on opening the new, and who shall enclose the same, all of which shall be set out in the return.

Third: In an order made on a petition for vacating a drain or ditch or any part thereof, the direction shall be that, if they judge such ditch or drain or any part of it to be unnecessary, and that it ought to be vacated, they shall determine who shall enclose the same or any part thereof, and what portion of the costs such persons ought to pay respectively, all of which shall be set out in the return.

Fourth: In an order made out on a petition for taking any sand, earth, gravel, stone or other material to be used in building or repairing a ditch or drain, the direction shall be that, if they judge such material necessary for the digging of such ditch or drain, they shall describe the ground from which said material may be taken, and shall determine the terms upon which and the time within such material may be taken.

Fifth: In all cases they shall assess the damages which the owner or owners or other parties in interest will sustain by reason of such ditch or drain, or the use of such ditch or drain, considering all circumstances of benefit or injury, which may accrue to such owner or other party in interest therefrom.

Sixth: In an order made out on a petition for a temporary right of way to be used in conjunction with digging a ditch or

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drain, the direction shall be that, if they judge such right of way necessary, they shall lay out the same, and shall make a map as aforesaid, showing such right of way, and shall determine the terms upon which said right of way shall be returned to the owner thereof.

The freeholders named in such commission shall be first sworn or affirmed as in said commission shall be directed, and the return of such commissioners shall be made to the said Court or to the said Judge, as the case may be, who shall file the same in the office of the Clerk of the Peace.

Section 5. In an order made on a petition for changing the course or width of a ditch or drain if the commission judge the changes or widening proper they shall then cause notice thereof to be sent by mail, a record of which shall be preserved, to all persons owning property which is crossed or which abutts upon and is contiguous to such ditch or drain, and any such owner or the legal representative of any such owner, who after such notice has been given, shall construct any building within the right of way of any such ditch or drain as exists or is proposed shall be allowed no compensation for such building, upon the condemnation thereof, or the land upon which it is situated, unless such owner shall serve written notice upon the Levy Court within three months from the time that he receives such notice that he claims damages by reason of the provisions of this paragraph, in which event the said Levy Court may apply, as provided herein for the ascertainment of damages in other matters, for the ascertainment of the damages so claimed by such owner.

Section 6. With respect to the laying out of new ditches or drains, or the widening, changing or straightening of ditches or drains in Sussex County, notice in writing, signed by the persons interested therein, or someone or more of them, shall be delivered to the President of the Levy Court for Sussex County at least ten (10) days before the day fixed for the presentation of the petition to the Resident Judge, in which notice there shall be given a description of the ditch or drain to be laid out, or widened, or changed, or straightened, or the part thereof, as the case may be, with the

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points of beginning and termination, so that it may be readily identified, and the time and place of the presentation of the petition to said Judge. Thereupon, the Levy Court, with the advice and assistance of the County Engineer, shall make or cause to be made inquiry into the matter, to determine the necessity therefor, the probable benefit to the public accruing therefrom and the probable cost thereof; and the Levy Court shall make its report in writing to said Judge at the time of the presentation of the petition, including in said report all pertinent facts as disclosed by the inquiry, and their recommendation considering the necessity, probable benefit and cost.

If the recommendation of the Levy Court in respect of the matter contained in said petition shall be adverse to the prayer of the petition, the said Judge is authorized and empowered to refuse the prayer thereof, and to decline to appoint the Commission of Freeholders as provided in this Chapter.

Section 7. In all cases where existing ditches or drains in Sussex County have been superseded, or their necessity has ceased to exist, by improved ditches or drains constructed by the State Highway Department, by the Levy Court of Sussex County, or by the said Department, and said County, or by any ditch company or corporation whose care and maintenance of such ditch or drain have been turned over to the Levy Court of Sussex County under the provisions of Section one of this Act, the Levy Court of Sussex County shall have power to cause to be vacated or abandoned such existing ditches or drains or parts thereof, and to determine who shall enclose the same. The procedure, therefor, shall be as follows:

Whenever the necessity for the continuation of an existing ditch or drain in Sussex County, or a portion thereof, shall cease by reason of the construction of an improved ditch or drain, as hereinbefore stated, the Levy Court of Sussex County shall by resolution fix a time and place, at which persons interested may be heard with respect to the vacation or abandonment thereof. A copy of said resolution shall be published in a newspaper of Sussex County in at least two (2) issues thereof, prior to the date fixed

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for said hearing, and likewise, a copy of said resolution shall be sent by mail addressed to the owners of land touching upon said ditch or drain, or part or portion thereof, at least ten (10) days before the day fixed for said hearing. The said copies shall be addressed to the owners at their last known post office addresses, if such can be ascertained by reasonable inquiry, otherwise the publication of said resolutions shall be deemed to be sufficient.

The Levy Court shall on the day and at the time fixed, proceed to hear persons interested, and shall consider any objection to the vacation or abandonment of said ditch or drain, or part thereof, and shall determine concerning the same. If the Levy Court shall determine that no necessity exists for continuing the said ditch or drain, or part thereof, they may order the same to be vacated or abandoned and may determine who shall enclose the same. The order of the Levy Court shall be entered in the Ditch or Drain Books or Records of Sussex County, together with a description of the ditch or drain or that part thereof, ordered to be vacated or abandoned, and thereupon the said ditch or drain, or part thereof, shall cease to exist as a ditch or drain of Sussex County, and the persons entitled to enclose the same may proceed to use and occupy the abandoned ditch or drain, or part thereof.

The provisions of Section 6 and 7 shall not apply to any ditch or drain laid out by special act of the General Assembly.

Section 8. The return upon one commission shall not be conclusive, but upon application by any party in interest, or by the President of the Levy Court of the County upon resolution of said Court within fifteen days after the filing of such return, said Court or the said Judge, as the case may be, shall issue a commission of review appointing five other freeholders as aforesaid with like instructions as were contained in the first commission, provided that, if a review be granted upon the application of a person or persons interested, the review shall extend only to the assessment of damages made in respect to the person or persons making such application. If the return to a commission of review varies in the damages assessed from the return to the original commission, the said

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Court or the said Judge, as the case may be, shall grant a second commission of review upon the application of the President of the Levy Court of the County upon resolution of said Court, or of any person interested in the return to the commission review, within ten days after the filing of such return. If a review be not applied for in due time, the return to the original commission shall be conclusive as to the amount of damages. If the return to any two commissions correspond as to the amount of damages, such amount shall be conclusive, but if there be more than one return and none inclusive under the foregoing provisions, the said Court or the said Judge, as the case may be, shall confirm such one of them as he shall deem most just, and the return so confirmed shall be conclusive.

The said Court or the said Judge, as the case may be, may set aside a return to the Commission for gross inequality or inequity in which case he shall issue another commission in its place, and the said Court or the said Judge, as the case may be, shall have power to fill any vacancy in a commission. There shall be allowed to the Commissioners for their services three dollars per day.

Section 9. The amount of damages being so ascertained, the Levy Court of the County, the duly authorized officers of the State, or any person interested, may pay or tender the same to the person or persons entitled thereto, within two calendar months after the same shall have been finally ascertained, or, if the person or persons so entitled reside out of or are absent from the County during all or part of said period of two months, then the same may be deposited to his or her credit in the Farmers Bank of Delaware, at the County seat of the County wherein such proceedings are instituted, within said time, and thereupon the said property, ground or material may be taken or occupied for the use aforesaid.

Section 10. Whenever damages shall have been assessed to any owner or owners of property for the extending, widening, changing, vacating, straightening or laying out or opening, building improving or repairing of any ditch or drain or for any ditch or drain material, and the Levy Court of the County, duly authorized officers of the State, or persons interested, shall omit or neglect

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to pay or tender the amount of ascertained damages to the person or persons entitled to the same, or to deposit the same in the manner and within the time herein provided for such payment or tender or deposit, no further application or proceeding shall be made or had for the extending, widening, changing, vacating, straightening, laying out or opening of said ditch or drain through or upon the same land or premises for which said damages were assessed, until after the expiration of two years from and after the said assessment.

Section 11. In addition to the compensation of said commissioners provided in Section 4 of this Chapter, they shall be entitled to mileage at the rate of three cents a mile going and returning. The said Court or the said Judge, as the case shall be, shall fix the compensation of all persons properly employed as surveyors, chain carriers, axemen and target bearers, and all other persons necessary to the economical execution of any order for laying out, widening, changing or vacating ditch or drain, including the board and accommodation of persons properly employed in and about the execution of said work.

Section 12. The costs of proceedings for laying out, widening or changing a ditch or drain, and the damages settled, shall be paid by the Levy Court of the County; provided, that if Commissioners appointed by order of the Court shall not lay out a ditch or drain, the costs of proceedings shall be paid by the person or persons petitioning for same; and if such Commissioners shall lay out a ditch or drain, then the person or persons making application for a review or any further order of Court shall pay the costs of the proceeding immediately preceding such application, before any such order shall be granted; and no costs paid by the persons applying for a review shall be reimbursed to them by the Levy Court. The costs of proceedings for vacating a ditch or drain shall be paid by the petitioners, unless the road shall be vacated, and in that case by the persons authorized by the return to enclose it, and in the proportions fixed by the return, before such enclosure.

Section 13. The Levy Court of Sussex County prior to the thirtieth day of April in each year, shall, upon due inquiry and investigation, estimate the amount of money which will be required

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for the current year to carry into effect the purpose of this Act, dividing and apportioning such estimate for and among the following:

1. For the general repair and maintenance of ditches or drains to be known as the "General Ditch Fund".
2. For the special or permanent improvement of ditches or drains, to be known as the "special ditch improvement fund".

On the last Tuesday of April in each year, the said Levy Court shall lay such an additional rate upon the assessment lists of said County, according to a certain rate upon One Hundred Dollars (\$100.00), as will by estimation produce the aggregate of the several sums so as aforesaid found to be necessary to be raised, and shall apportion to each of the above divisions or funds a certain per centum of the total amount to be raised so that a fund will be produced equal to the amount estimated to be required for each of the needs and purposes above specified.

Section 14. The Levy Court of Sussex County is hereby specifically authorized to levy upon the assessable property of the taxables of said county a tax for the special or permanent improvement of ditches or drains of Sussex County, providing, nevertheless that said assessment in this Section and Section 13 when added to all other assessments made in Sussex County shall not exceed the rate of assessment fixed by law.

Section 15. The ditches or drains of Sussex County shall be under the management and control of the Levy Court of Sussex County in the manner following:

The ditch or drain work shall be in two classes; (a) general repair and maintenance of ditches and drains, (b) special or permanent improvement of ditches and drains.

The cost of the ditch and drain work of the first class shall be paid for out of the funds derived from the taxes levied for that

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purpose. The funds so derived shall be allocated among the several representative districts in proportion as the mileage of county ditches and drains in each such districts bears to the total mileage of county ditches and drains in Sussex County.

Section 16. The County Engineer of Sussex County shall, on or before the first day of April in each year, make a general inspection of the ditches or drains in each ditch district of Sussex County, and shall make a detailed written report to the Levy Court of the work necessary to be done in each district in the current year, accompanied by proper plans and specifications, where plans and specification are necessary.

The Levy Court shall consider said report and plans of the Engineer for each ditch district, and may accept the same or modify or reject them, but such report and plans shall not be rejected or modified except by the majority vote of the members of the Levy Court, and unless rejected or modified, by such majority vote, it shall be the duty of the Engineer to carry into effect the ditch work for each ditch district as planned by him and submitted to the Levy Court. The ditch work may be carried on either under the direction of the Engineer and the supervisors to be appointed by him, or said work may be done under contract as the Levy Court may determine, but if such work shall be let out to contract, no payment therefor shall be made unless approved in writing by the Engineer.

The Engineer shall furnish the Levy Court with detailed plans and specifications, and all such contracts shall be awarded to the lowest responsible bidder.

The Levy Court is empowered to secure the proper performance of all contracts by requiring bond with security, and all such bonds shall be in the name of the State of Delaware.

The Engineer shall appoint each year a suitable person in each drainage district to be supervisor of ditches and drains for such district, and he shall report in writing the names and addresses of such persons, selected by him as supervisors, to the Levy Court immediately upon their selection. Supervisors shall be paid a daily

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wage for each days labor performed by them as shall be determined by the Levy Court, and they shall be under the direction and control of the Engineer and subject to dismissal by him at any time.

Twice during each month the Engineer shall present to the Levy Court a detailed statement of the work done in each district, the names of the persons employed, the hours of labor performed by each, and the teams and wagons furnished by each person, and the total amount due each person so employed or so furnishing teams or wagons. The statement shall be under the hand of the supervisor under whose direction the work has been done, and shall be approved by the Engineer. The Levy Court shall, after approval thereof by the County Comptroller, and after investigation of the same, draw warrants in the usual form for the payment of the amounts found to be due.

The Levy Court shall determine the amount to be paid for ditch work for each team furnished, which rate may differ in the several ditch districts.

The supervisors shall engage upon no work except as directed by the Engineer, save in case of urgent necessity to make a ditch passable, and in such case shall at once report in writing to the Engineer the work performed and an itemized account of expenditures thereon.

All materials, tools, implements and supplies shall be purchased by the Levy Court upon the advice of the Engineer, and the Engineer shall from time to time present to the Levy Court a list of the materials, tools, implements, machinery and supplies needed by him in the proper discharge of his duties.

The cost of all tools, machinery, implements and supplies shall be paid for by the Levy Court of Sussex County.

The expenses of the Engineer in supervising the ditch work shall be presented in writing to the Levy Court each month, duly itemized and verified, and the Levy Court shall draw a warrant

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therefor, after approval by the Comptroller. The Engineer shall have power, with the consent of the Levy Court, to employ a surveyor or surveyors, if necessary, for the proper discharge of his duties.

All ditch work shall cease upon the exhaustion of the funds available therefor in each year, and no contract or contracts shall be made in an amount exceeding the funds available for ditch work.

The Levy Court shall have the power to locate or cause to be located, the courses and limits of ditches, and to prevent encroachments thereon, and to recover damages for any injury thereto.

Section 17. The Levy Court of Sussex County, the County Engineer, the Supervisors so appointed, Employees of the Levy Court shall have the right of entering upon the lands at all times for construction and maintenance purposes.

Section 18. That from and after the passage of this Act all Acts or sections of the Revised Statutes, together with any amendments to the same are hereby repealed, in so far as they may be inconsistent with the provisions hereof.

Approved April 18, 1935.

Title Nineteen

Courts

CHAPTER 229

JUVENILE DELINQUENTS

AN ACT TO AMEND 3827 SECTION 12 OF CHAPTER 116 OF THE REVISED CODE OF THE STATE OF DELAWARE RELATING TO DELINQUENT AND DEPENDENT CHILDREN.

Be It Enacted by the Senate and House of Representatives of the State of Delaware in General Assembly Met:

Section 1. That 3827, Section 12 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out of said paragraph the word "dependent".

Section 2. That 3829, Section 14 of Chapter 116 of the Revised Code of the State of Delaware be and the same is hereby amended by repealing the last paragraph thereof and substituting in lieu thereof the following to be attached to what is known as 3829, Section 14:

It shall be unlawful for the Judge of the Juvenile Court, his agents, servants or employees, any Agency of the State of Delaware, to commit to the custody of the Ferris Industrial School or the Delaware Industrial School for Girls in this State any dependent child who has no visible means of subsistence, or who is found destitute, or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian, or other person in whose care he or she may be is an unfit place for such child.

Section 3. That 3829, Section 14 of the Revised Code of the State of Delaware be and the same is hereby amended by adding thereto another Section to be known as 3829A Section 14A:

JUVENILE DELINQUENTS

Juvenile delinquents as referred to in Chapter 116 and in all other Acts in this State whereby authority is given to the Commission of Juveniles to the custody of any State institution, including the Ferris Industrial School or the Delaware Industrial School for Girls shall not apply to dependent children, but only to such delinquents as defined in Article II Paragraph 3829 Section 14 of Chapter 116 of the Revised Code of the State of Delaware.

All Acts or parts of Acts inconsistent with this Act are hereby repealed to such extent where such inconsistency exists.

Approved April 18, 1935.

CHAPTER 230

INVESTMENTS BY TRUSTEES, GUARDIANS AND OTHER
FIDUCIARIES

AN ACT IN RELATION TO INVESTMENTS BY TRUSTEES, GUARDIANS, AND OTHER FIDUCIARIES AND TO PROPERTY TAKEN OVER BY THEM, BEING AN AMENDMENT TO CHAPTER 117 OF THE REVISED CODE OF THE STATE OF DELAWARE AS AMENDED BY CHAPTER 259, VOLUME 37, LAWS OF DELAWARE.

Be It Enacted by the Senate and House of Representatives of the State of Delaware in General Assembly Met:

Section 1. That Chapter 117 of the Revised Code of Delaware (1915) as amended by Chapter 259, Volume 37, Laws of Delaware, be and the same is hereby amended by striking out and repealing 3875. Sec. 32, of the said Revised Code as amended by Chapter 259, Volume 37, Laws of Delaware, and by substituting in lieu thereof the following:

3875. Sec. 32. Trust Securities Designated:—Trustees, Guardians and other fiduciaries may invest the funds of their trusts as follows:

(A)—In accordance with the provisions pertaining to investments contained in instruments under which they are acting;

(B)—In the absence of any such provisions, then in securities of the following classes:

(1)—Bonds and other interest-bearing obligations of the United States for the payment of interest and principal of which the faith and credit of the United States are pledged and interest-bearing obligations of any debtor or promissor for the payment of interest and principal of which the faith and credit of the United States Government are pledged.

(2)—Bonds and other interest-bearing obligations of the State of Delaware and of any other State of the United States and of

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the District of Columbia for which the faith and credit of any such State or District are pledged to provide for the payment of the interest and principal thereof; provided the State or the District, as the case may be, shall not have been in default of interest or principal payments on any of its obligations for more than six months during any time within five years prior to the date of purchase.

(3)—Bonds and other interest-bearing obligations of any county of the State of Delaware, for which the faith and credit of any such county are pledged to provide for the payment of the interest and principal thereof.

(4)—Bonds and other interest-bearing obligations of any county of any state in the United States, outside of Delaware, for which the faith and credit of such county are pledged to provide for payment of interest and principal thereof, provided that the county shall have a population of fifty thousand (50,000) or more and that at the time of purchase the net debt shall not exceed three per cent (3%) of the taxable valuation and that the direct and local net debt shall not exceed twelve per cent (12%) of the taxable valuation and provided the county has not defaulted for more than six (6) months on its funded debt within five (5) years prior to the date of purchase. The phrase "direct and local net debt" shall be construed to mean the combined bonded debt of the county and of all political sub-divisions within the county, less sinking funds and self-supporting water and other utility debt.

(5)—Bonds and other interest-bearing obligations of any school district of the State of Delaware issued pursuant to the authority of the law relating thereto and for which the faith and credit of any such district are pledged to provide for the payment of the interest and principal thereof.

(6)—Bonds and other interest-bearing obligations of any incorporated city or town of the State of Delaware for which the faith and credit of any such city or town are pledged to provide for the payment of the interest and principal thereof.

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(7)—Bonds and other interest-bearing obligations of any incorporated city of any state of the United States (other than the State of Delaware) for which the faith and credit of the city issuing the same are pledged to provide for the payment of the interest and principal thereof; provided that at the date of purchase of such obligation the city issuing the same shall have a population of not less than one hundred thousand (100,000) persons, according to the most recent Federal census, and shall have a total net debt (determined in accordance with the law applicable to such city defining its total net debt) of not more than ten per cent (10%) of the most recent assessed valuation of the taxable property in such city; provided the city shall not have been in default of interest or principal payments on any of its obligations for more than six (6) months during any time within five (5) years prior to the date of purchase.

(8)—Bonds and other interest-bearing obligations of the Dominion of Canada for the payment of interest and principal of which the faith and credit of the Dominion of Canada are pledged and interest-bearing obligations of any debtor or promissor for the payment of interest and principal of which the faith and credit of the Dominion of Canada are pledged.

(9)—Bonds of natural persons or corporations secured by first mortgage on improved and productive real estate, located in Delaware (including buildings occupied by owner) provided that the amount of said mortgage does not exceed sixty per cent (60%) of the value of the property covered thereby as determined at the date of investment.

(10)—Bonds of railroad, public utility, transportation and industrial corporations incorporated in one or more states of the United States, secured by mortgage upon the whole or a part of the property, plants and systems of such corporations, the earnings of which, after depreciation, for a period of five fiscal years immediately preceding the date of the purchase, have averaged, in the case of railroad corporations, one and one-half ($1\frac{1}{2}$) times; in the case

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of public utility (other than railroad) corporations, two (2) times; and in the case of transportation and industrial (other than railroad and public utility) corporations, three (3) times the total fixed charges (including therein interest on funded debt, on bank loans and other forms of floating debt, amortization charges, and discounts on securities sold); provided, however, that if said period of five fiscal years shall comprise a fiscal year ending in 1934 or 1935 and in such fiscal year (ending in 1934 or 1935) the earnings, after depreciation, shall be, in the case of railroad corporations, one time and, in the case of public utility corporations (other than railroad corporations) one and one-half ($1\frac{1}{2}$) times the total fixed charges (as above defined), then the averaged earnings, after depreciation, for said period of five years shall be required to be only in the case of railroad corporations one and two-tenths (1.2) times and in the case of public utility (other than railroad) corporations one and eight-tenths (1.8) times fixed charges (as above defined.)

(11)—Mortgage bonds, the principal and interest of which have been assumed or guaranteed by railroad, public utility, transportation or industrial corporations whose own mortgage bonds qualify under clause numbered (10) hereof; provided, however, that no default has occurred in the payment of interest of such bonds for a period of five years next preceding date of purchase thereof.

(12)—Equipment trust obligations, issued in connection with the purchase of new standard gauge equipment for use on railroads incorporated in one or more states of the United States, secured by an instrument vesting title to such equipment in a trustee free of any prior encumbrance; provided, however, that the maximum amount of such obligations so issued shall not exceed eighty per cent (80%) of the cost of such equipment, and that such obligations shall mature within fifteen (15) years from the date of issue in approximately equal annual or semi-annual installments, beginning not later than three (3) years after the date of issue.

(13)—A bank or trust company authorized to act in a fiduciary capacity and acting in such a capacity, other than merely as

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agent, may invest funds held by it in such a fiduciary capacity in fractional undivided interests in a common commingled fund composed exclusively of securities of the classes described in paragraphs (1) to (12), both inclusive, of this sub-division (B) of this Section 32; provided that such common fund shall have been created and is managed exclusively by such bank or trust company under a written plan of which an original executed by such bank or trust company has been filed and recorded in the Office of the Register in Chancery of the County in which such bank or trust company is located; and also provided that under such plan it shall not be permitted that any such fractional interests shall at any time be owned by any other than such bank or trust company acting in a fiduciary capacity, as aforesaid, and such bank or trust company temporarily for the purpose of making settlement of a fiduciary estate that has been terminated; and also provided that, upon the termination of a fiduciary estate in which such a fractional interest is owned, the value of such fractional interest, computed on the basis of the market values as of the date of such termination of all the securities composing the common fund of which such fractional interest is a part, shall be payable in cash by such bank or trust company to the person or persons entitled thereto.

(14)—Such stocks, bonds and securities as may be approved by the Court having jurisdiction.

(C)—The foregoing specification of the classes of securities in which Trustees, Guardians and other fiduciaries may invest funds shall not be construed to relieve such Trustees, Guardians and other fiduciaries from the duty of exercising reasonable care in selecting securities within such classes.

(D)—Nothing contained in this section shall be interpreted as prohibiting a Trustee, Guardian or other fiduciary from taking over (other than by purchase) from any source whatsoever (including property taken in exchange in connection with reorganizations and other financial readjustments of corporations) property of any kind, including securities not within any of the classes spe-

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cified in sub-division (B) hereof; but a Trustee, Guardian or other fiduciary may take over such property and may without liability for any loss or depreciation therein continue to hold the same so long as such retention is in the exercise of reasonable care on the part of said Trustee, Guardian or other fiduciary; provided, however, that in case a Trustee, Guardian or other fiduciary is acting under authority of an instrument, the terms and provisions of such instrument shall be controlling as to the power and duty of such Trustee, Guardian or other fiduciary.

(E)—Securities and/or other property which at the time they were acquired or invested in by a Trustee, Guardian or other fiduciary were in conformity with the law of the State of Delaware and which later cease to be in conformity with the law of the State of Delaware may, nevertheless, be retained by such Trustee, Guardian or other fiduciary without liability for any loss or depreciation therein so long as such retention is in the exercise of reasonable care on the part of such trustee, guardian or other fiduciary.

(F)—The proceeds of the sale or other disposition of any securities and/or other property held in accordance with sub-division (D) or (E) of this section shall be invested in accordance with the provisions of sub-division (A) or (B) of this section, as the case may be.

Sec. 2. That Chapter 117 of the Revised Code of Delaware (1915) be and the same is hereby amended by striking out and repealing 3876. Sec. 33, and 3877. Sec. 34 thereof.

Sec. 3. That Chapter 37, Volume 39, Laws of Delaware, be and the same is hereby repealed.

Approved March 20, 1935.

CHAPTER 231

FEDERAL DEPOSIT INSURANCE CORPORATION

AN ACT SUBROGATING TO A CERTAIN EXTENT AND UNDER CERTAIN CIRCUMSTANCES THE FEDERAL DEPOSIT INSURANCE CORPORATION TO THE RIGHTS OF DEPOSITORS IN CLOSED BANKS OR TRUST COMPANIES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly Met (two-thirds of all the members elected to each House concurring therein):

Section 1. Whenever a receiver has been appointed by the Chancellor of this State for a bank or trust company in this State and the Federal Deposit Insurance Corporation shall pay or make available for payment to such receiver the insured deposit liabilities of such closed institution, the said Federal Deposit Insurance Corporation shall be subrogated to all the rights against such closed institution of the owners of such insured deposits in the same manner and to the same extent as if said owners had lawfully assigned to said Federal Deposit Insurance Corporation so much or such of their deposits as the Federal Deposit Insurance Corporation has paid or is ready to pay to said receiver.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Approved March 25, 1935.

CHAPTER 232

FILING OF TRUSTEE ACCOUNTS

AN ACT TO AMEND CHAPTER 117, 3874, SECTION 31 OF THE REVISED CODE OF THE STATE OF DELAWARE, RELATING TO THE FILING OF TRUSTEE'S ACCOUNTS.

Be It Enacted by the Senate and House of Representatives of the State of Delaware in General Assembly Met:

Section 1. That 3874, Section 31 of Chapter 117 of the Revised Code of the State of Delaware be amended by striking out the words "At least once in every two years, and oftener and at such other times as the Chancellor may direct" as they occur in the first sentence of the first paragraph and substituting in lieu thereof the following words: "As the Chancellor shall require; but not oftener than once in two years, unless there be special occasion."

Approved March 29, 1935.

CHAPTER 233

NOTICES TO STOCKHOLDERS AND CREDITORS IN
RECEIVERSHIP CASES

AN ACT TO AMEND CHAPTER 117 OF THE REVISED CODE OF
THE STATE OF DELAWARE A. D. 1915, RELATING TO THE
GIVING OF NOTICES TO STOCKHOLDERS AND CREDITORS
IN RECEIVERSHIP CAUSES.

*Be It Enacted by the Senate and House of Representatives of
the State of Delaware in General Assembly Met:*

Section 1. That Chapter 117 of the Revised Code of the
State of Delaware, A. D. 1915, be and the same is hereby amended
by adding thereto a new Section to be known as 3884 a, Sec. 41a:

3884a, Sec. 41 a. All notices required to be given to stock-
holders and creditors in any receivership cause shall be given by
the Register in Chancery unless otherwise ordered by the Chan-
cellor.

Approved April 18, 1935.

CHAPTER 234

COURT OF COMMON PLEAS—KENT COUNTY

AN ACT TO AMEND CHAPTER 262, VOLUME 37, LAWS OF DELAWARE, ENTITLED "AN ACT CREATING A COURT OF COMMON PLEAS FOR KENT COUNTY."

Be It Enacted by the Senate and House of Representatives of the State of Delaware in General Assembly Met (two-thirds of all of the members elected to each branch thereof concurring therein):

Section 1. That the Act entitled "An Act Creating a Court of Common Pleas for Kent County," being Chapter 262, Volume 37, Laws of Delaware, be and the same is hereby amended by striking out all of Section 8 of said Chapter and by substituting in lieu thereof a new Section to be known as Section 8.

Section 8. The writs, rules and processes of said Court of Common Pleas shall be served and executed by any Constable for Kent County and/or any County or State officer, in any County of Delaware, now authorized by law to serve general process. Any such Constable or County Officer, making any arrest, serving any writs, rules, processes or warrants, or otherwise serving said Court, shall receive the same fees as are allowed by law to Constables for such service performed on writs issued by a Justice of the Peace.

The fees and mileage provided for in this Section of this Act shall be taxed as a part of the costs of such proceeding, and shall be paid by the Clerk of the said Court to such Constable or County Officer when said costs are paid; provided, however, that in all criminal actions brought before said Court of Common Pleas such fees and mileage charges, if the costs are not paid by the Defendant in such proceeding, shall be paid by the Levy Court of Kent County upon bills presented therefor, which shall have been approved by the Judge of said Court of Common Pleas.

Section 2. That the said Act be and the same is hereby further amended by striking out all of the first paragraph of Section 9 of said Chapter and by substituting in lieu thereof the following:

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Section 9. The Court of Common Pleas shall have all of the powers of a Court of Record possessed by the Superior Court, and the Court of General Sessions of the State of Delaware, in the enforcement of its writs, rules and processes, the attendance of witnesses, the requiring of security for costs from non-resident plaintiffs, the production of documents, books and records and the production of all other necessary evidence.

Section 3. That said Act be and the same is hereby further amended by striking out all of the first paragraph of Section 12 of said Chapter and by substituting in lieu thereof a new paragraph as follows:

"A writ of Foreign Attachment may be issued out of said Court of Common Pleas in any action ex contractu or ex delicto against any person, firm or corporation upon praecipe and affidavit by the plaintiff or any other credible person and filed in said Court of Common Pleas, that the defendant resides out of the State, or is a corporation not created by or existing under the laws of this State and is justly indebted to the said plaintiff in a sum not exceeding One Thousand Dollars (\$1000.00) to be specified in said affidavit and where there are two or more defendants, one a resident of this State but without available means to pay the plaintiff's claim, that may be so stated in such affidavit and the attachment thereon may issue against the non-resident defendant or defendants, as if he or they were the only defendant or defendants, in the cause. The plaintiff's Statement of claim shall be filed within five days from the issuance of the writ."

Section 4. That said Act be and the same is hereby further amended by inserting a comma after the word "Court" where it occurs in the first line of the first paragraph of Section 13 thereof and adding immediately thereafter and before the word "shall" the following words:

"Except actions of Foreign Attachment,"

And that said Section 13 be further amended by striking out the period at the end of the second paragraph thereof on Page 844

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and inserting a semi-colon in lieu thereof and adding immediately thereafter the following proviso as follows:—

"Provided, however, that upon application for an extension of time for filing an answer or a reply to new matter, the Court may, in its discretion, for good cause shown, extend the time for filing such answer or reply to new matter; whenever the last day for filing a statement of claim, an answer, a reply to new matter, for giving an appeal bond or a bond in foreign attachment cases, shall fall upon the Sabbath Day, or upon a legal holiday, such statement of claim, answer, or reply to new matter may be filed, and such appeal bond or foreign attachment bond may be given, on the next succeeding secular or business day."

Section 5. That said Act be and the same is hereby further amended by striking out all of Section 14 of said Chapter and by substituting in lieu thereof a new Section to be known as Section 14.

Section 14. All civil judgments rendered by said Court of Common Pleas shall be entered in a Judgment Docket, which shall be properly indexed. Said Judgment shall not constitute a lien upon real estate, but a transcript thereof may be filed in the office of the Prothonotary in and for Kent County upon motion made in said Court of Common Pleas by the judgment creditor in said judgment and the Prothonotary shall enter in his judgment docket the names of the parties, the amount of the judgment, the name of the Court in which said judgment was recovered, the time from which interest runs, and the amount of the costs, with the true date of such filing and entry, and such judgment, so transferred, shall, from that date, become and be a lien on all the real estate of the debtor in the county, in the same manner and as fully as judgments rendered in said Superior Court are liens, and may be executed and enforced in the same manner as judgments of the said Superior Court; and if any judgment shall be lawfully assigned to a joint debtor or surety, the assignee shall have the benefit of this section. Writs of execution for the seizure and sale of personal property based upon judgments obtained in said Court shall be issued in the same manner as is now provided by law for writs issuing out of the

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Prothonotary's office in Kent County for the seizure and sale of personal property; provided, however, that said Court, if it deem it advisable so to do, may, by rule of said Court made for that purpose, change said method of procedure.

Section 6. That said Act be and the same is hereby further amended by striking out all of Section 15 of said Chapter and by substituting in lieu thereof a new Section to be known as Section 15:

Section 15. All civil cases tried before said Court of Common Pleas shall be without jury; provided, however, any party in interest may have a trial by jury to be chosen by the Judge of said Court, if the party desiring the same shall designate his or her preference before the trial. The jury shall consist of not less than three, nor more than five members, as the party in interest asking for the same shall request, and the verdict or finding of the majority of the jury shall be decisive. The jurors shall have like qualifications as jurors in the Superior Court.

Approved April 12, 1935.

CHAPTER 235

COURT OF COMMON PLEAS—KENT COUNTY

AN ACT TO AMEND AN ACT CREATING THE COURT OF COMMON PLEAS FOR KENT COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch thereof concurring therein):

Section 1. That Chapter 262 of Volume 37, Laws of Delaware, as amended by Chapter 199, Volume 38, Laws of Delaware, be further amended by adding after Section 19 thereof a new Section to be known as Section 20 of said Act.

Section 20. The Court of Common Pleas for Kent County shall have concurrent jurisdiction to hear, try and finally determine all violations committed within the limits of Kent County and to punish all persons convicted of said offenses agreeable to the Laws of this State, or to the Common Law, of the following offenses:—

A. All charges of harboring a male or female child under eighteen years of age, as set forth in paragraph 4709 of the Revised Code of the State of Delaware, 1915.

B. All charges relating to lotteries, gaming or wagering contests, as set forth in Article 31 of Chapter 100 of the Revised Code of the State of Delaware, 1915, comprising paragraphs 3564, 3565, 3566, 3567, and 3569.

C. All charges relating to the unlawful taking of corn or fence materials, felling or barking trees, as set forth in 4742, Section 22, Chapter 150 of the Revised Code of Delaware, 1915.

D. All charges or offenses mentioned or set forth in Sections 10, 11 and 12 of Chapter 50, Volume 35, Laws of Delaware, relating to the State Forestry Department, and concerning the protection of trees and shrubs on public or private property.

E. All charges or offenses mentioned or set forth in Sections 6, 7, 8, 9 and 10 of Chapter 72, Volume 37, Laws of Delaware,

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relating to the State Forestry Department and concerning the protection of forests, brush and grass lands, from fire.

Section 2. Such jurisdiction shall extend to and include any amendment, supplement or addition heretofore, or hereafter made in relation to the matters and offenses herein enumerated.

Approved April 12, 1935.

CHAPTER 236

COURT OF COMMON PLEAS—NEW CASTLE COUNTY

AN ACT TO AMEND CHAPTER 112A OF THE REVISED CODE OF THE STATE OF DELAWARE, BEING CHAPTER 250, VOLUME 29, LAWS OF DELAWARE AS AMENDED, RELATING TO THE COURT OF COMMON PLEAS FOR NEW CASTLE COUNTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each Branch thereof concurring therein):

Section 1. That Chapter 112A of the Revised Code of the State of Delaware 1915 as amended by Chapter 250, Volume 29, Laws of Delaware, be and the same is hereby amended by striking out Paragraphs 3763B. Sec. 2, 3763C. Sec. 3, 3763E. Sec. 5, 3763H. Sec. 8, 3763M, Sec. 13, 3763N. Sec. 14, 3763O. Sec. 15, as amended, and inserting in lieu thereof the following:—

3763B. Sec. 2. This Court shall be composed of, be in charge of and be presided over by one Judge who shall be appointed and who shall serve as hereinafter provided.

The Governor of the State of Delaware shall appoint and commission a Judge who shall hold office for a term of twelve years and who shall have power and authority to hold and preside over the Court of Common Pleas for New Castle County. No person shall be eligible to the office of Judge of the Court of Common Pleas for New Castle County unless he be a person learned in the law and of good standing as a practicing attorney in the Supreme Court of the State of Delaware for at least five years and a resident of New Castle County. During his tenure of office, said Judge shall not engage in the practice of law before any Court of this State. In the event the said Judge of the Court of Common Pleas for New Castle County shall be disabled, disqualified or unable for any cause to preside over said Court, the Chief Justice of the State of Delaware shall thereupon assign one of the Judges of the Superior Court of the State of Delaware, or the Governor may ap-

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point a qualified member of the Bar of New Castle County as Judge ad litem, to hold said Court of Common Pleas during the absence, disability or disqualification of the Judge thereof. In the event of the appointment of a Judge ad litem by the Governor, said Judge ad litem shall receive a salary of Fifteen (\$15.00) Dollars per day, to be paid by the State Treasurer out of the general funds of the State upon the certificate of the Chief Justice of the State of Delaware.

The Judge of the said Court of Common Pleas for New Castle County shall receive an annual salary of Five Thousand Dollars (\$5,000.00), payable in equal monthly installments by the Levy Court of New Castle County.

3763C. Sec. 3. The said Common Pleas Court shall hold open court continuously throughout the year subject to such rules and regulations as the Judge thereof may promulgate.

3763E. Sec. 5. The Court shall have concurrent jurisdiction in New Castle County with the Superior Court in all civil actions at law, arising ex contractu or ex delicto, where the value of the matter or thing in controversy, exclusive of interest, shall not exceed the sum of One Thousand Dollars (\$1,000.00).

The amount claimed by the plaintiff where the said claim is for a sum certain and not in excess of One Thousand (\$1,000.00) Dollars, exclusive of interest, shall be conclusive as to the jurisdiction of the said Court. In all actions at law, whether ex contractu or ex delicto, not involving any sum certain, the plaintiff shall file with his statement of the case a certificate as to the amount of damages claimed or the value of the thing or matter in controversy, which statement shall be conclusive as to the jurisdiction of the said Court. The said Court shall also have concurrent jurisdiction with the Court of General Sessions and the Superior Court for New Castle County, as the case may be, in cases where children or grandchildren neglect or refuse to support their parents or grandparents and vice versa, and with Justices of the Peace for New Castle County in actions of forcible entry, detainer and holding over

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of tenants; provided, however, that in cases of tenants holding over said Court shall have jurisdiction to assess damages in the amount claimed by the plaintiff in his statement, but not in excess of One Thousand Dollars (\$1,000.00) exclusive of interest and costs.

The Court of Common Pleas for New Castle County shall have and may exercise jurisdiction of all those criminal matters and offenses enumerated in the 30th Section of the 4th Article of the Constitution of the State of Delaware, and committed within New Castle County outside the City of Wilmington, and to punish all persons convicted of said offenses or any of them, agreeable to the laws of the State of Delaware. Said Court shall also have and may exercise the same jurisdiction of all criminal matters and offenses committed in New Castle County outside the City of Wilmington as now conferred by law upon the Municipal Court of the City of Wilmington as to offenses committed in said City.

The Court of Common Pleas for New Castle County shall also have and may exercise the same jurisdiction and powers in criminal matters as is now vested in Justices of the Peace for New Castle County. The accused, in all cases where the Justice of the Peace now has jurisdiction and power to hear and finally determine the matter, shall have the right to elect to have the case tried by the Court of Common Pleas for New Castle County.

In all those cases where, by the provisions of this Act, the accused has the right to elect to be tried by the Court of Common Pleas for New Castle County, if the accused when brought before a Justice of the Peace for New Castle County, shall elect to be tried by the Court of Common Pleas for New Castle County, the Justice of the Peace shall hold such accused under sufficient bail for a hearing or for his appearance at said Court of Common Pleas, and in default of bail, the person accused shall be committed to the custody of the Board of Trustees of the New Castle County Workhouse to await the session of the said Court of Common Pleas; provided, however, if the accused is unable to give sufficient bail the Justice of the Peace may accept as a forfeit, conditioned upon the accused's appearance, as aforesaid, a sum of money equal in amount to the

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costs and maximum fine which could be imposed for such offense, or in lieu of such bail or forfeit may accept any article of sufficient value, which article may be sold for non-appearance in the manner provided by the rules of the said Court of Common Pleas. All bail bonds, money deposits, or articles accepted in lieu of bail or money, shall be turned over to the Clerk of the Court of Common Pleas for New Castle County forthwith, together with an itemized statement of all costs which may have accrued up to that time, and the same shall be taxed as costs against the accused in any judgment or sentence which may be pronounced against such accused in the said Court of Common Pleas, and when collected the costs of said Justice of the Peace shall be paid by the Clerk of said Court of Common Pleas to said Justice of the Peace.

The said Court shall have authority to punish contempt and to issue all processes necessary for the exercise of its criminal jurisdiction which process may be executed in any part of the State.

The proceedings in all criminal cases in the said Court of Common Pleas for New Castle County shall be without indictment by Grand Jury, or trial by petit jury, with the right of appeal as provided in the 30th Section of the 4th Article of the Constitution of the State of Delaware.

The said Court shall also have the same authority at all times to receive pleas of guilty from persons charged with crimes and misdemeanors, as is now exercised by the Court of General Sessions, and thereupon to impose sentence or parole, according to law, as fully as is now done by the Court of General Sessions.

And further, said Court shall have jurisdiction, power and authority to receive, hear, try and dispose of all cases, arguments, motions, petitions, matters and business as, by certificates of the Judges of the Superior Court or Court of General Sessions for New Castle County, may be assigned or transferred to it by such Superior Court or Court of General Sessions, pursuant to rules of said Courts made for that purpose, and including cases where the parties in interest are entitled to a jury trial but have, in writing, filed with the said Superior Court or Court of General Sessions, waived such.

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jury trial, provided the matter so assigned or transferred is in a cause of which said Court of Common Pleas would have original jurisdiction by this Act, and provided further that the provisions of this paragraph shall not apply to causes pending in said Superior Court or Court of General Sessions on appeal from or certiorari to said Court of Common Pleas. All rulings, decisions, judgments or determinations of any character made by the Judge of the Court of Common Pleas in any cause or matter assigned or transferred to it as herein provided shall be certified by said Judge of the Court of Common Pleas to the Court from which the same was assigned or transferred and shall be entered in said last mentioned Court as the ruling, decision, judgment or determination thereof.

3763H. Sec. 8. From any order, ruling, decision or judgment of said Court in a civil cause, the aggrieved party shall have the right of appeal to or certiorari from the Superior Court for New Castle County, except as hereinafter limited, in the same manner as now provided by law as to causes tried before Justices of the Peace and with the same limitations as now provided by law with respect to the recovery of costs in the Superior Court upon any such appeal.

No appeal shall be allowed, however, from any such order, ruling, decision or judgment of said Court except in the following cases:

1. A defendant shall have the right of appeal where a judgment is given for a plaintiff for an amount exceeding the sum of Two Hundred (\$200.00) Dollars exclusive of interest and costs.

2. A plaintiff shall have the right of appeal where a judgment is given for a defendant; provided the Judge of the Court of Common Pleas, upon the application of the aggrieved party, shall certify to the Clerk of said Court before the taking of the appeal that the amount in controversy between the parties to the cause exceeds the sum of Two Hundred (\$200.00) Dollars exclusive of interest and costs.

COURT OF COMMON PLEAS—NEW CASTLE COUNTY

3. A plaintiff shall have the right of appeal where the plea of set-off or the recoupment of the defendant is sustained for an amount exceeding Two Hundred (\$200.00) Dollars, exclusive of interest and costs; provided that in every case where a plea of set-off or a recoupment is sustained, in whole or in part, the Judge of the Court of Common Pleas shall file with the Clerk of said Court a memorandum of the verdict which shall indicate the amount of the set-off or recoupment so allowed.

4. A plaintiff shall have the right of appeal where judgment is given for a plaintiff for a sum less than claimed; provided the Judge of the Court of Common Pleas, upon the application of the aggrieved party, shall certify to the Clerk of said Court before the taking of the appeal that the amount in controversy between the parties to the cause exceeds the sum of Two Hundred (\$200.00) Dollars, exclusive of interest and costs.

5. A defendant shall have the right of appeal where a plea of set-off or a recoupment is disallowed in whole or in part; provided the Judge of the Court of Common Pleas, upon the application of the aggrieved party, shall certify to the Clerk of said Court before the taking of the appeal that the amount in controversy between the parties under said plea of set-off or under said recoupment exceeds the sum of Two Hundred (\$200.00) Dollars, exclusive of interest and costs.

6. In replevin cases the party against whom a decision or judgment shall be given shall have the right of appeal provided the Judge of said Court of Common Pleas, upon the application of the aggrieved party, shall certify to the Clerk of said Court before the taking of the appeal that the value of the goods, chattels and personal property involved in the cause exceeds the sum of Two Hundred (\$200.00) Dollars.

3763M. Sec. 13. The Judge of the Court of Common Pleas shall appoint a Clerk for said Court who shall hold office during the pleasure of said Judge. The Clerk shall perform such duties as may be incident to said office and as the Judge thereof may direct. The Clerk of said Court shall receive a yearly salary of

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Twenty-four Hundred (\$2400.00) Dollars to be paid monthly in equal installments by the Levy Court of New Castle County.

3763N. Sec. 14. The Judge of the said Court of Common Pleas shall appoint a bailiff who shall receive an annual salary of Six Hundred (\$600.00) Dollars, payable monthly in equal installments by the Levy Court of New Castle County.

Approved May 1, 1935.

JUSTICES OF THE PEACE

We command you that you levy and make of the goods and chattels of A. B., in your bailiwick, the sum of....., which C. D., on the day of 19....., by the judgment of E. F., one of our justices of the peace for the said County, recovered against him, with legal interest from the....., and the further sum of, for costs of suit, with your fees on this process (and that for want of sufficient goods and chattels of A. B., you levy and make said sums, or any unsatisfied balance thereof, of the goods and chattels of G. H. surety of record, for the payment of the judgment aforesaid in your bailiwick;) and that you return this execution, with your doings hereon plainly set forth, to, one of our justices of the peace for the County aforesaid, on the day of

L. S. Witness the hand and seal of the justice
last named. day of,
A. D. 19....."

If there be no surety of record, the above clause relative to such surety shall be omitted; and it may be omitted if the creditor so direct, and no objection shall ever be taken by the defendant to such omission.

A clause for attaching debts owing to the defendant, may be added to the execution, if requested, as follows:

"And we further command you to summon any garnishees of the said A. B., found in your bailiwick, to appear before..... one of our justices of the peace for the County aforesaid, at his office in on the day of 19....., at o'clock, in the to answer what goods, chattels, rights, credits, money, or effects of the said A. B., may be in their hands respectively."

The day fixed for the garnishees' appearance shall not be less than five days from the date, nor shall it be after the return day of the execution.

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But no garnishee summoned on any execution, or other attachment, shall be bound to plead, or answer, touching any credits, money, or rights, arising from any agreement, or contract, for personal labor, hire, or service of the defendant, which came to his hands after he was so summoned to answer.

The above form, and all forms prescribed by law shall be varied to suit the case of several plaintiffs, or defendants, or of female plaintiffs, or defendants, or of several sureties, or bail, or of parties being in a representative character.

And whenever the principal amount of the judgment shall exceed fifty dollars, inclusive of interest, but exclusive of costs of suit, the execution may be directed to the Sheriff.

Section 2. That the Chapter 121 of the Revised Code of Delaware be and the same is hereby further amended by striking out and repealing all of 4025, Section 22.

Section 3. That the Chapter 121 of the Revised Code of Delaware be and the same is hereby further amended by striking out and repealing all of 4026, Section 23.

Approved April 18, 1935.

Title Twenty-one

Civil Actions, Pleading and Practice

CHAPTER 238

METHOD OF PAYMENT OF TAXES BY LIENHOLDERS

AN ACT RELATING TO THE METHOD OF PAYMENT OF TAXES BY LIEN-HOLDERS; THE ASSIGNMENT OF THE LIEN FOR TAXES TO THE LIEN-HOLDER; AND THE RIGHTS OF LIEN-HOLDER UNDER THE ASSIGNMENT OF THE TAX LIEN AND IN PROCEEDINGS OF SCIRE FACIAS SUR MORTGAGE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. It shall be lawful for any person, firm or corporation having a lien upon any real estate located within the State of Delaware to pay to the parties entitled thereto any taxes which are by law liens upon or against said real estate.

Section 2. Any person, firm or corporation who or which shall have paid any taxes under the provisions of Section 1 hereof shall be entitled to receive the full amount of such taxes so paid from the owner or owners of the property or properties upon which such taxes were a lien, and may proceed in any court of competent jurisdiction to collect the same in an action of debt, or in assumpsit, for money paid out and expended for the use of the defendant.

Section 3. In any action brought to collect any lien upon real estate located within the State of Delaware, the lien-holder shall obtain in the final judgment in said cause the amount of money paid on account of such taxes levied upon the real estate covered by such lien or liens, provided there is set forth in the affidavit

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of demand filed in said action an itemized list of the taxes paid, the total amount of such payments, that the taxes were justly and truly due at the time of payment, and that attached to the said affidavit of demand are original and duplicate tax receipts from the officer to whom such taxes were paid. Such affidavit of demand shall be filed as any other affidavit of demand is or shall be required to be filed in such proceeding, provided, that if judgment shall have been obtained prior to the payment of such taxes, then, and in that event, such affidavit of demand shall be filed in the office where such judgment is recorded and the amount thereof shall be noted on all writs issued in execution of such judgment or judgments, and shall be collected and paid by the officer to whom such writ of execution is issued before any other part of such judgment is paid, except only the costs taxed on said proceeding as shown on said writ and any amount of taxes levied and unpaid which constitute a lien on said real estate.

Approved April 15, 1935.

CHAPTER 239

PROTECTION OF LIENHOLDERS

AN ACT TO PROTECT LIEN HOLDERS IN THE ADVANCEMENT
OF PREMIUMS ON INSURANCE POLICIES HELD AS COL-
LATERAL TO SUCH LIEN OR LIENS.

*Be it enacted by the Senate and House of Representatives of
the State of Delaware in General Assembly met:*

1. Any person, firm, or corporation failing within thirty days after notice to furnish to any lien holder of record, an adequate fire insurance policy or policies, the premium or premiums upon which have been paid in full, in an amount sufficient to protect the interest of the lien holder, shall forfeit the right to procure such policy or policies of fire insurance and the lien holder of record may obtain the necessary fire insurance and charge the premium or premiums paid to the principal amount of the indebtedness.

2. Any mortgagee having paid any premium or premiums of fire insurance covering the mortgaged premises, shall in any action of Scire Facias Sur Mortgage obtain in the final judgment in said cause, the amount of money paid for such fire insurance premium or premiums, provided, there is set forth in the affidavit of demand filed in said action, an itemized list of the insurance premium or premiums paid, the total amount of the payments thereof, and that the said amount has been paid, and also provided, there is attached to the affidavit of demand fire insurance premium receipts from the agent issuing the policy or policies.

Approved April 15, 1935.

CHAPTER 240

WITNESSES AND EVIDENCE

AN ACT TO AMEND CHAPTER 129 OF TITLE 21 OF THE REVISED CODE OF THE STATE OF DELAWARE RELATING TO WITNESSES AND EVIDENCE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 129 of the Revised Code of the State of Delaware of 1915 be amended by inserting at the end of 4228 Section 18 the following:

4228-A, Section 18 (a) Physical Examination of Plaintiffs in Actions to Recover Damages for Personal Injuries:—In an action to recover damages for personal injuries, if the defendant shall present to the Court or to a Judge satisfactory evidence that he is ignorant of the nature and extent of the injuries complained of, the Court at any time by order shall direct that plaintiff submit to a physical examination by one or more physicians or surgeons to be designated by the Court or Judge, and such examination shall be had and made under such restrictions and directions as to the Court or Judge shall seem proper. If the party to be examined shall be a female, she shall be entitled to have such examination made before a physician or surgeon of her own sex. The cost of such examination shall be borne by the defendant.

Approved April 18, 1935.

CHAPTER 241

JURIES

AN ACT TO AMEND CHAPTER 131 OF THE REVISED CODE OF DELAWARE (1915), AS AMENDED, IN RELATION TO JURIES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 131 of the Revised Code of the State of Delaware (1915), as amended, be and the same is hereby amended by striking out all of Paragraph 4256. Sec. 5 and by inserting in lieu thereof the following:

4256. Sec. 5. Grand Jury; When and How Drawn; Number; Term of Service:—The said commissioners for each County, respectively, shall, not less than fifteen days before the commencement of the first term in each calendar year of the Court of General Sessions for the County for which said Commissioners were appointed, respectively, in the presence of such persons as may choose to be present, draw from the boxes marked "Grand Jurors" the names of fifteen persons for New Castle County, and the names of ten persons for Kent County and Sussex County respectively, one of whom shall be selected from, and shall be a resident of each representative district in the county in which he or she is selected, to serve for one year at the several courts, at which a Grand Jury is required, to be holden during said year in said County.

Section 2. That Chapter 131 of the Revised Code of the State of Delaware (1915), be and the same is hereby amended by striking out all of Paragraph 4266. Sec. 15, and by inserting in lieu thereof the following:

4266. Sec. 15. Tales de Circumstantibus; When Awarded; Deficiency in Number of Jurors, How Supplied:—If at any Court a sufficient number of grand or petit jurors, drawn and summoned as aforesaid, do not appear; or if the return by the Sheriff discloses that one or more jurors drawn cannot be summoned for any cause whatsoever; or if the panel returned by the Sheriff be quashed by

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the Court; the Court may award a *tales de circumstantibus*, or make such other order as it may deem expedient for filling up the requisite number of jurors to serve at such Court. In like manner a deficiency of the petit jurors may be supplied, when, by reason of challenges, or otherwise, a sufficient number are not ready for the trial of a cause.

Section 3. That any jury, grand or petit, heretofore drawn, shall not be affected by any of the provisions of this Act, but any such jury shall be legal and lawful, and all of their acts shall be legal and of full force and effect, the same as if drawn pursuant to the foregoing provisions.

Approved February 6, 1935.

CHAPTER 242

JURORS

AN ACT TO AMEND CHAPTER 131 OF THE REVISED CODE OF THE STATE OF DELAWARE, RELATING TO THE QUALIFICATIONS AND EXEMPTIONS OF JURORS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 131, of the Revised Code of Delaware as amended by Chapter 240, Volume 28 and Chapter 38, Volume 39, Laws of Delaware, be and the same is hereby amended by striking out and repealing all of 4252 Section 1 thereof and inserting in lieu thereof the following Section to be styled 4252, Section 1.

4252. Sec. 1. Jurors; Who Qualified to Serve; Who Exempt; Public Officer, When Exempt:—All persons qualified to vote at the general election shall be liable to serve as jurors; except public officers of this State, or of the United States, Attorneys-at-Law, ordained ministers of the Gospel, officers of colleges and teachers of public schools, practicing physicians and surgeons regularly licensed, licensed dentists and dental surgeons, licensed pharmacists and assistant pharmacists, licensed practitioners of veterinary medicine, undertakers and embalmers regularly licensed, cashiers of incorporated banks, registration officers and inspectors of election.

No public officer, above mentioned, shall be exempt or excused from Jury duty by reason of being such public officer, except when he is in the actual discharge of the duties of his office, provided that any member of the General Assembly may during the time for which he is elected claim exemption from jury service.

Section 2. This Act shall be effective July 1, 1935.

Approved April 18, 1935.

CHAPTER 243

JURORS

AN ACT TO AMEND CHAPTER 131 OF THE REVISED CODE OF DELAWARE RELATING TO THE DRAWING OF JURORS FOR THE GRAND JURY OR PETIT JURY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 131 of the Revised Code of the State of Delaware be and the same is hereby amended by adding thereto a new Section to be known as 4282 Section 31.

4282. Section 31. Whenever the Jury Commissioners as provided for in this Chapter shall select from the citizens of each County a number to serve as jurors, either on the Grand Jury, Petit Jury or Special Jury, in the event upon information or the writ or summons that the citizen so selected is either dead or has removed out of the Representative District from which he was selected, the Resident Judge of the Superior Court for each of the respective Counties of the State of Delaware shall choose a new name of a person or citizen in substitution of such person either dead or not found or removed from said Representative District as the selected juror from the same Representative District as the other person selected from said district; provided, however, that notice of such vacancy shall have been brought to the attention of the Court prior to the first day of any term of Court.

Approved April 18, 1935.

CHAPTER 244

EXECUTIONS

AN ACT TO AMEND CHAPTER 133, ARTICLE 1 OF THE REVISED CODE OF DELAWARE (1915) RELATING TO EXECUTIONS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 133, Article 1, of the Revised Code of the State of Delaware (1915) be and the same is hereby amended by inserting immediately following 4331, Section 12, the following which shall be known as 4331A, Section 12A of the Revised Code of the State of Delaware:

4331A, Section 12A. Exemption of wages; sixty per centum in Kent and Sussex Counties; exception of board or lodging for fifty dollars and costs; attachment process limited to necessities of life; one attachment; benefit or priority; garnishee; limit of costs; how paid:—Sixty per centum of the amount of the wages for labor or service of any person residing within Kent and Sussex Counties shall be exempt from mesne attachment process and execution attachment process under the laws of this State, except where the said execution attachment process is for board or lodging or both, as the case may be, and for an amount not exceeding fifty dollars exclusive of costs.

The provisions of this section as to the liability to attachment process of forty per centum of wages for any debt, shall apply solely to debts incurred for or on account of the purchase of food, provisions and articles used in the home, commonly designated as the necessities of life.

On any amount of wages due for a stated and regular period, not exceeding one month, for the payment of such wages, only one attachment may be made; any creditor causing such attachment to be made shall have the benefit of his priority. The garnishee in any attachment made under the provisions of this section shall be paid

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the sum of fifteen cents; and the total liability of the debtor for costs under any attachment, laid in accordance with the provisions of this section, shall not exceed the sum of ninety cents; provided, however, that said costs, incurred in the laying of any attachment under this section, shall be paid out of the whole amount of said wages attached, notwithstanding the provisions of paragraph 1 of this Section exempting sixty per centum of wages.

Approved April 15, 1935.

Title Twenty-two

Proceedings in Special Cases

CHAPTER 245

DEMISE

AN ACT TO AMEND CHAPTER 271, VOLUME 36, LAWS OF DELAWARE, RELATING TO LANDLORD AND TENANT.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assambly met:

Section 1. • That 4533 Section 2 of Chapter 271, Volume 36, Laws of Delaware, be and the same is hereby amended by striking out all of said Section and inserting in lieu thereof the following to be styled 4533 Section 2.

4533. Sec. 2. Term of Demise, when not expressly limited:—Where no term is expressly limited, a demise shall be construed to be for a year, except of houses and lots usually let for a less time, and also excepting properties located in the County of New Castle, State of Delaware.

Section 2. That Section 2 of Chapted 271, Volume 36, Laws of Delaware, be and the same is hereby amended by striking out all of 4535 Sec. 4, and inserting in lieu thereof the following, which shall be styled 4535, Sec. 4.

4535, Sec. 4. Term extended for another year in default of notice to quit: time of notice to quit upon letting for less than one year: proviso as to certain properties in the County of New Castle, State of Delaware:—If there be a demise for a term of one or more years, and three months, or upwards, before the end of the term, either the landlord do not give notice in writing to the tenant in

DEMISE

possession to remove, or the tenant do not give like notice to the landlord of his intention to remove from the demised premises, the lease shall be extended, and after the end of the term, unless the lease provides otherwise, it shall be a lease by the month, for which the tenant shall pay the rent, and all the stipulations of the lease shall continue in force, except those specifying the length of time of the notice required to terminate the same; provided, however, that this provision shall not apply to any lease upon farm lands used by the tenants for the purpose of maintaining a livelihood from said lands. This Section shall not be taken or held to prescribe any time as to notice when the letting is for a less time than a year except that when letting is by the month, a month's notice to quit shall be sufficient; and when it is by the week, a week's notice shall be sufficient.

Section 3. That Section 3 of Chapter 271, Volume 36, Laws of Delaware be and the same is hereby amended by striking out all of 4536, Section 5 and inserting in lieu thereof the following, which shall be styled 4536 Section 5.

4536 Section 5. Leases in the County of New Castle, State of Delaware; term not expressly limited shall be by the month:— Every lease or demise of real estate situate in the County of New Castle, State of Delaware, excepting farm lands which are used by the tenants for the purpose of maintaining a livelihood from said lands, in which lease or demise no term is expressly limited, shall be deemed and construed to be a lease by the month, and a month's notice to quit shall be sufficient to terminate such lease or demise.

Approved April 18, 1935.

Title Twenty-four

Crimes and Punishments

CHAPTER 246

ROBBERY

AN ACT TO AMEND 4716 AND 4717 OF THE REVISED CODE OF DELAWARE, BEING SECTIONS 20 AND 21 OF CHAPTER 149, AS AMENDED BY CHAPTER 216, VOLUME 32, LAWS OF DELAWARE, RELATING TO ROBBERY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That 4716, Section 20, of Chapter 149 of the Revised Code of Delaware, and 4717, Section 21 of Chapter 149 of the Revised Code of Delaware, as amended by Chapter 216, Volume 32, Laws of Delaware, entitled "Offenses Against the Lives and Persons of Individuals" relating to robbery be and the same are hereby amended by repealing 4716 and 4717 thereof and by substituting for said repealed Sections in lieu thereof the following new Sections to be known as 4716, Section 20, and 4717, Section 21:

4716. Section 20. Robbery, Defined; Penalty:—If any person shall feloniously take from the person of another, by violence, or by putting in fear, any money or other property or thing, which may be the subject of larceny, he shall be deemed guilty of robbery and felony and shall be fined not less than five hundred dollars (\$500.00), and shall be imprisoned for not less than three years nor more than twenty-five years, and may, in case of first offense, be whipped with not more than forty lashes, in the discretion of the Court; provided that if the offense shall be otherwise than the first offense said offender shall be whipped with forty lashes.

4717. Section 21. Assault with intent to commit robbery; Penalty:—If any person shall assault another with intent to com-

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mit robbery, he shall be deemed guilty of felony and shall be fined not less than three hundred dollars (\$300.00), and shall be imprisoned for not less than one year and not more than ten years, and may, in the discretion of the Court be whipped with not more than twenty lashes.

Approved April 18, 1935.

CHAPTER 247

SUNDAY SPORTS

AN ACT TO AMEND CHAPTER 153, REVISED CODE OF DELAWARE RELATING TO SABBATH BREAKING, BY LEGALIZING THE PLAYING OF BASEBALL AND FOOTBALL ON SUNDAY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 153, Revised Code of Delaware, be and the same is hereby amended by adding at the end of Section 4784, Section 4, as amended by Chapter 269, Volume 37, Laws of Delaware, the following:

"AND, PROVIDED FURTHER that Baseball and Football may be played on Sunday in the State of Delaware, after two o'clock in the afternoon unless and except the same be contrary and in violation of any ordinance enacted by the City Council, Town Commissioners, or the Legislative body of any incorporated city or town in the State of Delaware, prohibiting or otherwise regulating the playing of such sports.

Approved March 25, 1935.

CHAPTER 248

WHIPPING POST

AN ACT TO AMEND CHAPTER 155 OF THE REVISED CODE OF THE STATE OF DELAWARE RELATING TO WHIPPING POST.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 155 of the Revised Code of the State of Delaware be and the same is hereby amended by adding immediately after 4836. Section 31, a new section to be known as 4836-A. Section 31-A.

4836-A. Section 31-A. It shall be unlawful for any person or persons to bring or carry, or cause to be brought or carried at or near the whipping-post in any County in the State of Delaware any camera or picture-taking device.

Whosoever shall violate the provision of this Section shall be guilty of a misdemeanor and shall, upon conviction thereof, pay a fine of not less than Five Hundred (\$500.00) Dollars and not more than One Thousand (\$1,000.00) Dollars at the discretion of the Court, and upon failure to pay such fine, together with the costs of the prosecution, to be imprisoned for a term of not less than three (3) months, and not more than six (6) months at the discretion of the Court.

Approved April 12, 1935.

Title Twenty-five

Fees of Public Officers

CHAPTER 249

FEES OF CLERK OF THE ORPHANS' COURT

AN ACT TO AMEND CHAPTER 156, 4857, SECTION 10, OF THE REVISED CODE OF THE STATE OF DELAWARE RELATING TO FEES WHICH SHALL BE CHARGED BY THE CLERK OF ORPHANS' COURT IN GUARDIANS' ACCOUNTS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That 4857, Section 10, Chapter 156 of the Revised Code of the State of Delaware be and the same is hereby amended by adding thereto a certain new section immediately following 4857, Section 10, to be known as 4857 (a) Section 10 (a) to read as follows:

4857 (a) Section 10 (a). The Clerk of Orphans' Court shall be entitled to charge the above set forth fees upon principal set forth in an account by a guardian only at the time when the initial account therefor shall be filed; and upon additions to principal only at the time of filing the account in which such additions to principal appear for the first time.

Approved March 29, 1935.

CHAPTER 250

FEES OF REGISTER IN CHANCERY

AN ACT TO AMEND 4858, SECTION 11, OF CHAPTER 156 OF THE REVISED CODE OF DELAWARE RELATING TO THE FEES TO BE CHARGED BY THE REGISTER IN CHANCERY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That 4858, Section 11, of Chapter 156, of the Revised Code of Delaware as amended, be and the same is hereby further amended by striking out the words and figures namely:

"Notices to stockholders and creditors, each	.25
Filing Claims, each	.50",

and inserting in lieu thereof the following:

"Notices to stockholders or creditors up to 200, each	.20
Notices in excess of 200 up to 500, each	.10
Notices in excess of 500, each	.05
Filing claims up to 200, each	.20
Filing claims in excess of 200, each	.10

Provided, However, that if it appears to the Chancellor that the actual cost of the giving of notices is in excess of the fees above set forth, the Chancellor may tax said excess as a part of the costs of the cause".

Approved May 1, 1935.

CHAPTER 251

FEES OF REGISTER IN CHANCERY

AN ACT TO AMEND CHAPTER 156, 4858, SECTION 11 OF THE REVISED CODE OF THE STATE OF DELAWARE RELATING TO FEES WHICH SHALL BE CHARGED BY THE REGISTER IN CHANCERY IN TRUSTEE'S ACCOUNTS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That 4858, Section 11, Chapter 156 of the Revised Code of the State of Delaware be and the same is hereby amended by adding thereto a certain new section immediately following 4858, Section 11, to be known as 4858 (a) Section 11 (a) to read as follows:

4858 (a) Section 11 (a). The Register in Chancery shall be entitled to charge the above set forth fees upon principal set forth in an account by a trustee or receiver only at the time when the initial account therefor shall be filed; and upon additions to principal only at the time of filing the account in which such additions to principal appear for the first time.

Approved March 29, 1935.

Resolutions

CHAPTER 252

SENATE JOINT RESOLUTION

AUTHORIZING THE GOVERNOR TO APPOINT A COMMISSION TO STUDY THE STATE'S FISCAL SYSTEM.

Be it resolved by the Senate, the House of Representatives concurring therein:

Section 1. That the Governor be and he is hereby authorized and directed to appoint three or more citizens of this State to study all angles of the State's fiscal system and submit a report of their findings and recommendations to the next General Assembly.

Section 2. That the members of the said Commission shall serve without compensation, but shall be paid their reasonable expenses actually incurred, to be paid by the State Treasurer out of the General Fund of the State, upon warrants signed by the Chairman and Secretary, or other duly authorized officers or members, of the said Commission, and approved by the Auditor of Accounts.

Approved March 6, 1935.

CHAPTER 253

SENATE JOINT RESOLUTION

IN REFERENCE TO THE SECOND AND FINAL REPORT OF THE
REVISED CODE COMMISSION.

WHEREAS, The Revised Code Commission, appointed under the provisions of the Act of the General Assembly of the State of Delaware, entitled: "An Act Providing for the Appointment of a Commission to Revise the Public Laws of the State of Delaware and Codify and Arrange the Same", approved April 29, 1931, being Chapter 38 of Volume 37, Laws of Delaware, as amended, has made report to the General Assembly, at its present Session, that it has completed its work, and submitted a draft of the proposed Revised Code as completed;

Now therefore, be it resolved, by the Senate, the House of Representatives concurring therein:

That the Report of the Revised Code Commission be and the same is accepted; and that the Original of the draft of the proposed Revised Code accompanying the said Report of the said Commission be and the same is Ordered and Directed to be lodged in the office of the Secretary of State for safe-keeping.

Approved February 15, 1935.

CHAPTER 254

SENATE JOINT RESOLUTION

**A RESOLUTION AUTHORIZING THE GOVERNOR TO APPOINT
A COMMISSION TO PREPARE PLANS FOR THE CELEBRATION
OF THE DELAWARE SWEDISH TERCENTENARY IN
1938.**

WHEREAS, the year, 1938, will mark the Three Hundredth Anniversary of the first permanent settlement upon Delaware soil, a settlement which was made by the Swedes on the banks of the Christiana River on the site of the present city of Wilmington at a place called "The Rocks", and which was the first settlement of the colony of New Sweden; and

WHEREAS, this settlement was the beginning of a permanent government for the earliest permanent inhabitants of the present State of Delaware as well as of the present state of Pennsylvania and of western New Jersey; and

WHEREAS, The people of Delaware have always taken great pride in their history and traditions and have piously preserved for posterity their ancient landmarks; and

WHEREAS, it is proposed that a state, interstate, national, and international celebration be held in 1938, commemorating the first permanent establishment of European civilization in the Delaware River Valley at "The Rocks" on the Christiana River; Therefore,

Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:

Section 1. That within three months after the approval of this Resolution, the Governor be and is hereby authorized and requested to appoint eleven (11) residents of this State, whom he has reason to believe are deeply interested in the history of Delaware, to form a commission to be known as the Delaware Swedish Tercentenary Commission.

SENATE JOINT RESOLUTION

Section 2. That the duties of said Commission shall be to prepare plans for a fitting celebration by the State of Delaware on the occasion of the Three Hundredth Anniversary in 1938 of the founding of the first permanent settlement and the establishment of the first permanent government upon the soil of Delaware at Fort Christiana near "The Rocks" on the Christiana River; and to cooperate with other Commissions or committees representing the city of Wilmington; historical, patriotic, and other societies of the State of Delaware and other states; the governments of other states; and the national governments of the United States and Sweden.

Section 3. That the said Commission be and it is hereby authorized to request and direct the Senators and Representatives of the State of Delaware in the United States Congress to urge and prepare proper legislation in order to enable the United States Director of the United States Mint to prepare and have minted United States Half Dollars suitably commemorating the anniversary. The number of such commemorative half dollars to be limited to twenty thousand in number, and the sale price to be set at \$1.50 each. The profit from such sale shall be used at the discretion of the said Commission in defraying the expenses incidental to the celebration, and the remainder, if any, shall be paid into the General Fund of the Historical Society of Delaware.

Section 4. That the said Commission shall submit a report to the General Assembly in 1937, and make recommendations for further legislation by the General Assembly at that time.

Approved March 20, 1935.

CHAPTER 255

SENATE JOINT RESOLUTION

IN REFERENCE TO THE PUBLICATION OF AMERICAN SCENES
AS DEPICTED BY STANLEY ARTHURS.

WHEREAS, There is about to be published by a Committee of Delaware Citizens a De Luxe Edition of American Scenes as Depicted by Mr. Stanley Arthurs, the well-known Delaware Artist; and

WHEREAS, it is desirable to have the first edition of the said publication, which is to be a De Luxe Edition, limited to one hundred copies, known and designated as The Delaware Edition;

Now therefore, be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:

That Mr. Stanley Arthurs, the well-known Delaware Artist, or his publishers, in the publication of his book of paintings of American Scenes, to be known as "American Scenes as Depicted by Stanley Arthurs", or by such other name or title as may be selected, be and they are hereby authorized and fully empowered to use the Great Seal of the State of Delaware on the front cover and frontice page of the said publication; and that the first edition thereof, to be limited to one hundred copies and printed as a De Luxe Edition, shall be known and styled "The Delaware Edition".

Approved April 24, 1935.

CHAPTER 256

SENATE JOINT RESOLUTION

APPROPRIATING CERTAIN MONEY OUT OF THE STATE
TREASURY TO PAY A CERTAIN CLAIM AGAINST THE
STATE.

Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:

That the following amount be and the same is hereby appropriated out of the Treasury of State of Delaware for the payment of a certain claim against the State of Delaware, and the Auditor of Accounts is hereby authorized and fully empowered and directed to approve and properly execute a warrant for, and the State Treasurer is hereby authorized and fully empowered and directed to pay to the claimant hereinafter named the sum set opposite said claimant's name, viz:

Hugh A. George Co., for stationery and printing supplies for the Supreme Court of the State of Delaware, from August 31, 1933 to February 18, 1935,	\$784.50
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Approved April 24, 1935.

CHAPTER 257

SENATE JOINT RESOLUTION

APPROPRIATING CERTAIN MONEY OUT OF THE STATE
TREASURY TO PAY A CERTAIN CLAIM AGAINST THE
STATE OF DELAWARE.

Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:

That the following amount be and the same is hereby appropriated out of any money in the general fund of the State Treasury, for the payment of a certain claim against the State of Delaware, and the State Treasurer is hereby authorized and directed to pay to the Claimant hereinafter named the amount set opposite the name, of the said claimant, viz:

The State Board of Dental Examiners to supply a deficiency in the expenses of the said Board for the balance of the fiscal year ending June 30, 1935,	\$450.00.
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Approved April 24, 1935.

CHAPTER 258

SENATE JOINT RESOLUTION

APPROPRIATING CERTAIN MONEY OUT OF THE STATE
TREASURY TO PAY A CERTAIN CLAIM AGAINST THE
STATE OF DELAWARE.

*Be it resolved by the Senate of the State of Delaware, the House
of Representatives concurring therein:*

That the following amount be and the same is hereby appropriated out of any money in the general fund of the State Treasury, for the payment of a certain claim against the State of Delaware, and the State Treasurer is hereby authorized and directed to pay to the person hereinafter named the amount set opposite his name, viz:

Oscar W. Stiegler, Shorthand Reporter, for
services
In re-

Investigation of Temporary Relief Committee,
and preparing report of Investigation
\$56.00

Approved April 24, 1935.

CHAPTER 259

SENATE JOINT RESOLUTION

APPROPRIATING CERTAIN MONEY OUT OF THE STATE
TREASURY TO PAY A CERTAIN CLAIM AGAINST THE
STATE OF DELAWARE.

*Be it resolved by the Senate of the State of Delaware, the House
of Representatives concurring therein:*

That the following amount be and the same is hereby appropriated out of any money in the general fund of the State Treasury, for the payment of a certain claim against the State of Delaware, and the State Treasurer is hereby authorized and directed to pay to the person hereinafter named the amount set opposite his name, viz:

Lafayette Burlingame, Lincoln City, Delaware,	
For transportation of School Children for State	
Board of Education	\$20.14

Approved April 24, 1935.

CHAPTER 260

SENATE CONCURRENT RESOLUTION

Be it resolved by the Senate, the House of Representatives concurring therein, that the President Pro Tempore of the Senate appoint a committee of two (2) members on the part of the Senate to serve with a committee to be appointed by the Speaker of the House of Representatives, to notify the Governor that both branches of the One Hundred and Fifth General Assembly are duly organized and ready to receive any communications that he may desire to present, or to receive any message that he may choose to deliver, at such time as he may designate.

Approved January 18, 1935.

CHAPTER 261

SENATE CONCURRENT RESOLUTION

Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein, that a Joint Session of the two Houses be held at twelve o'clock noon on Wednesday, January 2nd, 1935 in the Senate Chamber, for the purpose of receiving the message of the Governor to the One Hundred and Fifth General Assembly.

Approved January 18, 1935.

CHAPTER 262

SENATE CONCURRENT RESOLUTION

WHEREAS, it is provided in Section 10, Chapter 26, Volume 32, Laws of Delaware, That the Standing Committees of each House in charge of the "Budget Appropriation Bill" shall sit jointly in open session while considering the budget and said Budget Appropriation Bill; and

WHEREAS, It is further provided that such Joint meetings shall begin within five days after the Budget and said Budget Appropriation Bill has been submitted to the General Assembly by the Governor; therefore

BE IT RESOLVED by the Senate, the House of Representatives concurring therein, That the Finance Committee of the Senate and the Appropriation Committee of the House of Representatives are hereby authorized and directed to organize by the selection of a Chairman and Secretary at their earliest convenience and proceed therewith to the consideration of the said budget and Budget Appropriation Bill, and hear the requests of the various agencies of the State and otherwise that are asking appropriations from the State Treasury; and

BE IT FURTHER RESOLVED, That the Custodian of the State House be authorized and directed to furnish suitable quarters for the hearings to be heard by the said joint committees.

Approved January 18, 1935.

CHAPTER 263

SENATE CONCURRENT RESOLUTION

BE IT RESOLVED by the Senate, the House of Representatives concurring therein, That Raymond Phillips be and he is hereby selected and authorized to act and to serve as Bill Clerk of the Senate and that Vera G. Davis be and she is hereby selected and authorized to act and to serve as Bill Clerk for the House of Representatives during the sessions of the One Hundred and Fifth General Assembly of the State of Delaware.

Approved January 18, 1935.

CHAPTER 264

SENATE CONCURRENT RESOLUTION

UPON THE DEATH OF HONORABLE IRA L. LONG

WHEREAS, in the death of the Honorable Ira L. Long, an honored and respected member of the Senate during the Sessions of 1917, 1918 and 1919, this State has lost a respected and useful citizen; and

WHEREAS, it is fitting that this General Assembly give expression of its sense of loss to the State, and its sympathy to the family of the late Senator Long; now therefore,

BE IT RESOLVED, by the Senate, the House of Representatives concurring therein, that this General Assembly, on behalf of its members, and on behalf of the citizens of this State, does hereby express sincere regret at the death of the Honorable Ira L. Long, and emphasizes its sincere appreciation of his valuable services to the State; and

That we extend to his family the sincere sympathy of this General Assembly; and

That a copy of these resolutions be entered in the Journal, a copy be delivered to the press, and a copy be sent to his family.

Approved January 18, 1935.

CHAPTER 265

SENATE CONCURRENT RESOLUTION

UPON THE DEATH OF HONORABLE CLARENCE E. POOLE.

WHEREAS, in the death of the Honorable Clarence E. Poole, an honored and respected member of the House of Representatives, during th Session of 1913, this State has lost a respected and useful citizen; and

WHEREAS, it is fitting that this General Assembly give expression of its sense of loss to the State, and its sympathy to the family of the late Representative Poole; now, therefore,

BE IT RESOLVED, by the Senate, the House of Representatives concurring therein, that this General Assembly, on behalf of its members, and on behalf of the citizens of this State, does hereby express sincere regret at the death of the Honorable Clarence E. Poole, and emphasizes its sincere appreciation of his valuable services to the State; and

That we extend to his family the sincere sympathy of this General Assembly; and

That a copy of these resolutions be entered in the Journal, a copy be delivered to the press, and a copy be sent to his family.

Approved January 18, 1935.

CHAPTER 266

SENATE CONCURRENT RESOLUTION

COMMEMORATING THE ANNIVERSARY OF THE BIRTH OF
THOMAS McKEAN.

Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:

WHEREAS, the two hundredth anniversary of the birth of Thomas McKean, an honored and illustrious citizen of the State of Delaware, occurred on the thirtieth day of March, A. D. 1934, and

WHEREAS, the said Thomas McKean, in his lifetime, served the fathers of the people of this State with character, ability and fidelity as a member of the Stamp Act Congress, member of the First and Second Continental Congress, signer of the Declaration of Independence, member of the Colonial Assembly of Penn's Three Lower Counties on the Delaware, member of the States first Constitutional Convention in 1776, Acting President of Delaware State in 1777, Representative of Delaware in the Congress under the Articles of Confederation, and President of that body in 1781. Thereafter he was Chief Justice of the Commonwealth of Pennsylvania, member of the Pennsylvania Convention which ratified the Constitution of the United States, and three times Governor of that State.

THEREFORE, it is the sense of the members of the Senate and House of Representatives as individuals, and on behalf of the people of the State, that public acknowledgment be made and grateful appreciation be expressed at this time commemorative of the distinguished services of a son whose heritage is an inspiration to this and future generations.

Approved January 28, 1935.

CHAPTER 267

SENATE CONCURRENT RESOLUTION

ASSIGNING GEORGE N. DAVIS, ONE OF THE ATTORNEYS FOR
THE SENATE, TO SPECIAL DUTY.

*Be it resolved by the Senate of the State of Delaware, the House
of Representatives concurring therein:*

That George N. Davis, one of the attorney's for the Senate,
be and he hereby is assigned to the exclusive duty, under the direc-
tion of the Governor, of preparing an act revising the revenue laws
of the State of Delaware.

All State officers and agencies, whose co-operation may be
essential to effect the purposes of this resolution, are hereby direct-
ed to render such reasonable assistance as may be required.

Approved January 28, 1935.

CHAPTER 268

SENATE CONCURRENT RESOLUTION

**ACCEPTING INVITATION OF TAXPAYERS RESEARCH LEAGUE
TO THE MEMBERS OF THE ONE HUNDRED AND FIFTH
GENERAL ASSEMBLY TO LUNCHEON.**

Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:

That the members of the Senate and the members of the House of Representatives of the One Hundred and Fifth General Assembly do hereby accept the invitation extended by the Tax Payers Research League to a Luncheon to be given to the members of the One Hundred and Fifth General Assembly, on Friday, January 25, 1935, at one o'clock P. M.; and

BE IT FURTHER RESOLVED that the members of the Senate and the members of the House of Representatives meet in joint session at two o'clock P. M. on Friday January 25, 1935, to hear an explanation of the fiscal conditions of the State of Delaware as explained and interpreted by the members of the Tax Payers Research League, together with such recommendations as may be made by the members of said Tax Payers Research League.

Approved January 30, 1935.

CHAPTER 269

SENATE CONCURRENT RESOLUTION

IN REFERENCE TO THE WORLD COURT

WHEREAS, there is pending before the Senate of the United States a proposal for participation of the United States in the World Court of the League of Nations; and

WHEREAS, it is deemed inadvisable and detrimental for this nation to participate in the affairs of the League of Nations and other foreign entanglements; and

WHEREAS, whenever the people of this Nation have been given a chance to express themselves on this question they have been opposed to any such participation by the United States;

Therefore be it resolved, by the Senate of the State of Delaware, the House of Representatives concurring therein:

That the General Assembly of the State of Delaware does hereby protest against any proposal of participation by the United States in the World Court;

That a copy of this Resolution be sent to our Senators and Representatives from Delaware in the Congress of the United States.

Became effective without Governor's approval.

CHAPTER 270

SENATE CONCURRENT RESOLUTION

WHEREAS, In the death of Albert W. Cummins, a member of the editorial board of the News-Journal Co., on February 14, 1935, the State of Delaware has lost one of its most beloved citizens, whose interest in the public welfare and whose civic pride was admired by his thousands of friends throughout the State, and

WHEREAS, through his editorial comments the citizens of this State have been enabled to gain sound opinions on various matters of National, State, County and Municipal importance, and

WHEREAS, his patriotic work, fraternal work, newspaper affiliations and interest in college life have stamped him as one of the outstanding men of his era in the State, now therefore,

BE IT RESOLVED, that this One Hundred and Fifth General Assembly, The Senate and House concurring therein, extend its expression of regret and sympathy to the members of the family of Albert W. Cummins, and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to members of his family and the press.

Approved February 25, 1935.

CHAPTER 271

SENATE CONCURRENT RESOLUTION

UPON THE DEATH OF HONORABLE HARRY PRETTYMAN.

WHEREAS, in the death of the Honorable Harry Prettyman, an honored and respected member of the House of Representatives, during the Session of 1901, and of the Senate during the session of 1921 and 1923, this State has lost a respected and useful citizen; and

WHEREAS, it is fitting that this General Assembly give expression of its sense of loss to the State, and its sympathy to the family of the late Senator Prettyman; NOW, THEREFORE,

BE IT RESOLVED, by the Senate, the House of Representatives concurring therein, that this General Assembly, on behalf of its members, and on behalf of the citizens of this State, does hereby express sincere regret at the death of the Honorable Harry Prettyman, and emphasizes its sincere appreciation of his valuable services to the State; and

That we extend to his family the sincere sympathy of this General Assembly; and

That a copy of these resolutions be entered in the Journal, a copy be delivered to the press, and a copy be sent to his family.

Approved March 6, 1935.

CHAPTER 272

SENATE CONCURRENT RESOLUTION

UPON THE DEATH OF HONORABLE WILLIAM R. McCABE.

WHEREAS, in the death of the Honorable William R. McCabe, an honored and respected member of the House of Representatives, during the Session of 1883 and 1888, and served as Insurance Commissioner in 1913, this State has lost a respected and useful citizen; and

WHEREAS, it is fitting that this General Assembly give expression of its sense of loss to the State, and its sympathy to the family of the late William R. McCabe; NOW, THEREFORE,

BE IT RESOLVED, by the Senate, the House of Representatives concurring therein, that this General Assembly, on behalf of its members, and on behalf of the citizens of this State, does hereby express sincere regret at the death of the Honorable William R. McCabe, and emphasizes its sincere appreciation of his valuable services to the State; and

That we extend to his family the sincere sympathy of this General Assembly; and

That a copy of these resolutions be entered in the Journal, a copy be delivered to the press, and a copy be sent to his family.

Approved March 6, 1935.

CHAPTER 273

SENATE CONCURRENT RESOLUTION

WHEREAS, the 198th Coast Artillery, A. A., Delaware National Guard, has been accorded the distinction of being the First Regiment of the United States among National Guard Coast Artillery regiments by the Major General commanding the Second Corps Area for the current year, therefore

BE IT RESOLVED by the Senate of the State of Delaware and the House of Representatives concurring therein that the General Assembly of the State of Delaware expresses its appreciation of the showing made by the military arm of the State Government, and extends to the Adjutant General, the Regimental Commander and all officers and men attached to the aforesaid unit its congratulations upon the unique distinction conferred upon it.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Adjutant General and to the Regimental Commander, to the end that the personnel of the organization may be acquainted with this expression of pleased recognition.

Approved March 8, 1935.

CHAPTER 274

SENATE CONCURRENT RESOLUTION

RESOLUTION EXTENDING COURTESY OF A HEARING TO
THE WOMEN'S JOINT LEGISLATIVE COMMITTEE.

Be it resolved by the Senate of the State of Delaware the House of Representatives concurring therein:

That the Senate and House of Representatives meet in joint session on Tuesday, March 12th, at 2 o'clock P. M. for the purpose of hearing the Women's Joint Legislative Committee upon certain measures pending in the General Assembly relating to education, welfare, health, etc.

Approved March 11, 1935.

CHAPTER 275

SENATE CONCURRENT RESOLUTION

**EXPRESSING THE SORROW OF THE GENERAL ASSEMBLY OF
THE STATE OF DELAWARE UPON THE DEATH OF MRS.
LENA REED ANDERSON.**

WHEREAS, by the death of Mrs. Lena Reed Anderson, the people of Delaware have sustained a great loss; and

WHEREAS, it is most appropriate and fitting that this General Assembly give public expression of its sincere regret and offer its sympathy to the family of the said deceased; therefore

Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:

That this General Assembly, on its own behalf, and on behalf of all of the citizens of the State of Delaware, does hereby express deep and sincere sorrow and regret at the death of Mrs. Lena Reed Anderson, and hereby emphasizes its and their full and sincere appreciation of her valuable services to her State; and

BE IT FURTHER RESOLVED, That the President Pro Tempore of the Senate is hereby authorized to appoint a Committee of three citizens of the State of Delaware, one from each County, to represent the General Assembly at Mrs. Anderson's funeral; and

BE IT FURTHER RESOLVED, That this resolution be spread at large upon the Journal of the Senate, a copy be given to the press, and a copy be sent to the family of the deceased.

Approved March 22, 1935.

CHAPTER 276

SENATE CONCURRENT RESOLUTION

IN REFERENCE TO THE DEATH OF CAPTAIN DANIEL M. KELLEHER.

WHEREAS, in the death of Captain Daniel M. Kelleher, of the Police Department of the City of Wilmington, the City and the State have lost a useful and valuable servant of the people; and

WHEREAS, this General Assembly desires to give public expression of the loss to the people of the City of Wilmington and to the people of this State, in the death of Captain Kelleher; Now Therefore

Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:

That this General Assembly, on behalf of the people of the City of Wilmington, and the people of Delaware at large, hereby expresses sincere regret at the death of Captain Daniel M. Kelleher, long a most valuable member of the Police Department of the City of Wilmington, and hereby further expresses their full and sincere appreciation of his valuable services to the said City and to the State;

That there is hereby extended to his family the sincere sympathy of this General Assembly;

That a copy of this Resolution be spread at large upon the Journal, a copy delivered to the press, and a copy sent to the family of the deceased.

Approved March 27, 1935.

CHAPTER 277

SENATE CONCURRENT RESOLUTION

IN REFERENCE TO ADJOURNMENT SINE DIE

Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:

THAT, at the hour of four o'clock, P. M. of Wednesday, April 3, A. D. 1935, both Houses of the One Hundred and Fifth General Assembly of the State of Delaware shall adjourn sine die.

Approved April 24, 1935.

CHAPTER 278

SENATE CONCURRENT RESOLUTION

Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:

That a Joint Session of the General Assembly of the State of Delaware be held on Monday, April 1, 1935, at 10.30 o'clock A. M., in order to afford the opportunity to hear arguments for and against Senate Bills 55, 70, 82 and 83, to both branches of the One Hundred and Fifth General Assembly.

Approved April 24, 1935.

CHAPTER 279

SENATE CONCURRENT RESOLUTION

Be it enacted by the Senate of the State of Delaware, the House of Representatives concurring therein:

THAT HOUSE CONCURRENT RESOLUTION NO. 8, in reference to the introduction of new business as changed and modified by House Concurrent Resolution No. 21 and House Concurrent Resolution No. 25, be and the same is hereby further changed and modified in such manner and to such extent as to permit the introduction and consideration of the following:

SENATE BILL, entitled: AN ACT TO AMEND AN ACT, BEING AN ACT TO AUTHORIZE THE TOWN COUNCIL OF GEORGETOWN TO BORROW MONEY AND TO ISSUE BONDS TO SECURE THE PAYMENT THEREOF FOR THE PURPOSE OF PROVIDING A SEWER SYSTEM AND SEWAGE DISPOSAL WORKS FOR SAID TOWN AND TO CONTROL AND REGULATE SAME, BEING CHAPTER 156, VOLUME 37, LAWS OF DELAWARE.

SENATE BILL, entitled: AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO AMEND CHAPTER 90 OF THE REVISED CODE OF THE STATE OF DELAWARE (1915), RELATIVE TO THE REGULATION OF THE HOURS OF EMPLOYMENT OF FEMALES," APPROVED APRIL 1, 1935.

Approved April 24, 1935.

CHAPTER 280

HOUSE JOINT RESOLUTION

WHEREAS, the 11th day of October, 1779, is the date in American history of the heroic death of Brigadier General Casimir Pulaski, who died from wounds received on October 9th, 1779, at the siege of Savannah, Georgia; and

WHEREAS, it is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the death of this great American hero of the Revolutionary War; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the Governor of the State of Delaware be authorized and directed to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11th of each year and inviting the people of the State of Delaware to observe the day in schools and churches, or other suitable places, with appropriate ceremonies in commemoration of the death of General Casimir Pulaski.

Approved February 25, 1935.

CHAPTER 281

HOUSE JOINT RESOLUTION

APPROPRIATING THE SUM OF SIXTY-TWO DOLLARS AND FIFTY CENTS TO COVER THE EXPENSES INCIDENT TO THE OBSERVANCE OF LINCOLN'S BIRTHDAY.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the sum of Sixty-two Dollars and Fifty Cents (\$62.50) is hereby appropriated to cover the expenses of arranging and carrying through the program for the commemoration of the birth of Abraham Lincoln, out of any moneys in the General Fund not otherwise appropriated; and

BE IT FURTHER RESOLVED, That the payment of such expenses not in excess of the said sum of Sixty-two Dollars and Fifty Cents (\$62.50) shall be paid upon the presentation of warrants signed by the Chairman of the Joint Committee appointed pursuant to House Concurrent Resolution No. 5.

Approved March 20, 1935.

CHAPTER 282

HOUSE JOINT RESOLUTION

HOUSE JOINT RESOLUTION DIRECTING THE STATE LIBRARIAN TO SUPPLY THE MEMBERS OF THE 105th GENERAL ASSEMBLY OF THE STATE OF DELAWARE AND CERTAIN EMPLOYEES THEREOF WITH CERTAIN VOLUMES OF STATE LAWS.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the State Librarian be and she is hereby authorized and instructed to furnish each member of the 105th General Assembly of the State of Delaware, each attorney for the Senate, each attorney for the House of Representatives, the Secretary of the Senate, and the Chief Clerk of the House of Representatives a copy each of the Volume of Session laws of the 105th General Assembly together with a copy of the new Revised Code, or Compiled Statutes that is about to be printed and published when the same is printed and ready for distribution.

Approved March 22, 1935.

CHAPTER 283

HOUSE JOINT RESOLUTION

APPOINTING DIRECTORS ON THE PART OF THE STATE FOR
THE FARMERS BANK OF THE STATE OF DELAWARE.

Be it resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met:

That William D. Denny, Grover C. Frear and Benjamin F. Hartman, be and they are hereby appointed Directors, on the part of the State, of the Farmers Bank of the State of Delaware at Dover; and that Aaron Finger, Leland Lyon and E. Ennals Berl, be and they are hereby appointed Directors on the part of the State, of the Farmers Bank of the State of Delaware for the Branch at Wilmington; and that John G. Townsend, Jr., J. Edward Goslee and William A. B. Dodd, be and they are hereby appointed Directors, on the part of the State, of the Farmers Bank of the State of Delaware for the Branch at Georgetown.

Approved March 22, 1935.

CHAPTER 284

HOUSE JOINT RESOLUTION

APPROPRIATING CERTAIN MONEYS OUT OF THE STATE
TREASURY TO PAY CERTAIN CLAIMS AGAINST THE
STATE, RELATIVE TO EXPENSES INCURRED BY THE SU-
PREME COURT.

BE IT RESOLVED by the House of Representatives of the State of Delaware, the Senate concurring therein, that the following amounts be and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated for the payment of certain claims against the State of Delaware:

Sallie E. Killen, Administratrix of Thomas W. Killen, deceased, a/c Supreme Court	\$54.00
Daniel M. Ridgely, a/c Supreme Court	22.50
Herman C. Taylor, a/c Supreme Court	18.00
Robert A. Saulsbury, Sheriff, a/c Supreme Court	34.00
William G. Bush, Sheriff, a/c Supreme Court	8.00
Gideon Legates, a/c Supreme Court	34.00
Thomas Johnson, a/c Supreme Court	8.00

Approved April 24, 1935.

CHAPTER 285

HOUSE JOINT RESOLUTION

APPROPRIATING CERTAIN MONEYS OUT OF THE STATE
TREASURY TO PAY CERTAIN CLAIMS AGAINST THE
STATE.

Be it resolved by the House of Representatives of the State of Delaware, the Senate concurring therein:

That the following amount be and the same is hereby appropriated out of any money in the State Treasury for the payment of certain claims against the State of Delaware, and the State Treasurer is hereby authorized and directed to pay to the claimant hereinafter named the amount set opposite his name, to wit:

Wm. V. Marshall, M. D., for professional services rendered to Reynolds Thomas, injured by a State car..\$134.00
(Bill for claim attached)

Approved May 3, 1935.

CHAPTER 286

HOUSE CONCURRENT RESOLUTION

WHEREAS, in the death of Honorable George P. Elliott, who was an honored and respected member of the House of Representatives of the State of Delaware in the One Hundred and Fourth General Assembly, the State has lost a useful and valued servant; and

WHEREAS, it is fitting that this General Assembly give public expression and offer its sympathy to the family of the late Mr. Elliott in their bereavement, now therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met:

That the General Assembly, on behalf of the citizens of the State of Delaware, does hereby express deep regret at the death of the Honorable George P. Elliott, of Wilmington, and emphasizes their full and sincere appreciation of his services to his State;

That we extend to his family the sincere sympathy of this General Assembly;

That a copy of these resolutions be spread at large upon the Journal, a copy delivered to the press, and a copy sent to his family.

Approved January 18, 1935.

CHAPTER 287

HOUSE CONCURRENT RESOLUTION

BE IT RESOLVED by the House of Representatives of the State of Delaware, the Senate concurring therein, that at the end of the legislative day of January 8, 1935, both Houses of the One Hundred and Fifth General Assembly shall adjourn until Monday, January 14, 1935, at eleven o'clock in the forenoon.

Approved January 18, 1935.

CHAPTER 288

HOUSE CONCURRENT RESOLUTION

UPON THE DEATH OF HONORABLE LEE STEVENS

WHEREAS, in the death of the Honorable Lee Stevens, an honored and respected member of the House of Representatives in the One Hundred and Third General Assembly, this State has lost a respected citizen and useful servant; and

WHEREAS, it is fitting that this General Assembly give public expression of appreciation of his services to the State, and offer sympathy to the family of the late Representative Stevens; NOW, THEREFORE,

BE IT RESOLVED, by the House of Representatives, the Senate concurring therein, that this General Assembly does hereby express its sincere regret at the death of the Honorable Lee Stevens, and its appreciation of his services to the State; and

That we extend to his family the sincere sympathy of this General Assembly; and

That a copy of these resolutions be entered in the Journal, a copy be delivered to the press, and a copy be sent to his family.

Approved January 18, 1935.

CHAPTER 289

HOUSE CONCURRENT RESOLUTION

Be it resolved by the House of Representatives, the Senate concurring therein:

That a joint session of the General Assembly of the State of Delaware be held on Tuesday, February 12, 1935, at two o'clock in the afternoon, to commemorate the birth of Abraham Lincoln.

BE IT FURTHER RESOLVED that the President Pro Tempore of the Senate be authorized to appoint three members of the Senate, and the Speaker of the House of Representatives be authorized to appoint three members of the House of Representatives, to constitute a committee to arrange a suitable program for the commemoration services.

Approved January 18, 1935.

CHAPTER 290

HOUSE CONCURRENT RESOLUTION

WHEREAS, in the death of Honorable Carroll B. Massey, who was an honored and respected member of the House of Representatives of the State of Delaware in the One Hundredth General Assembly, this State has lost a useful and valued servant; and

WHEREAS, it is fitting that this General Assembly give public expression and offer its sympathy to the family of the late Mr. Massey in their bereavement, now therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the General Assembly, on behalf of the citizens of the State of Delaware, does hereby express deep regret at the death of the Honorable Carroll B. Massey, of Dover, and emphasizes their full and sincere appreciation of his services to his State;

That we extend to his family the sincere sympathy of this General Assembly;

That a copy of these resolutions be spread at large upon the Journal, a copy delivered to the press, and a copy sent to his family.

Approved February 4, 1935.

CHAPTER 291

HOUSE CONCURRENT RESOLUTION

IN REFERENCE TO THE INTRODUCTION OF NEW BUSINESS.

BE IT RESOLVED by the House of Representatives of the State of Delaware, the Senate concurring therein, that no new bills other than the omnibus Appropriation Bills and no joint resolutions shall be received at the present session of the One Hundred and Fifth General Assembly after 4 P. M. Eastern Standard Time of the *Thirty-fifth Legislative Day*.

Approved February 4, 1935.

CHAPTER 292

HOUSE CONCURRENT RESOLUTION

WHEREAS this day, the thirtieth day of January, A. D. 1935, being the fifty-third birthday of the Honorable Franklin D. Roosevelt, the President of these United States, and

WHEREAS it is fitting that this General Assembly take this opportunity to extend to him its heartiest congratulations, and

WHEREAS it is appropriate that this General Assembly take cognizance of the many humanitarian efforts undertaken by the said Franklin D. Roosevelt during his term of office, therefore

Be it resolved by the House of Representatives of the State of Delaware, the Senate concurring therein:

That the General Assembly on behalf of all citizens of the State of Delaware, does hereby extend to Franklin D. Roosevelt the heartiest congratulations upon his fifty-third birthday.

That a copy of this resolution be spread at large upon the Journal, a copy delivered to the press, and a copy sent to the President, Franklin D. Roosevelt.

Approved February 4, 1935.

CHAPTER 293

HOUSE CONCURRENT RESOLUTION

WHEREAS, The immediate cash payment of the Adjusted Service Certificates to the veterans of the World War will increase tremendously the purchasing power of millions of the consuming public, distributed uniformly throughout the nation; and will provide relief for the holders thereof, who are in dire need and distress because of the present unfortunate economic conditions; and will lighten the burden which towns, cities, counties and states are required to carry for relief; and

WHEREAS, The payment of said certificates will not create any additional debt, but will discharge and retire an acknowledged interest obligation of the National Government; now, therefore,

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

1. That since the Government of the United States is now definitely committed to the policy of spending additional sums of money for the purpose of hastening recovery from the present economic crisis; the General Assembly of the State of Delaware recommends the immediate cash payment at face value of the Adjusted Service Certificates, with cancellation of interest accrued and refund of interest paid, as a most effective means to that end.

2. That the Secretary of the Senate and the Chief Clerk of the House of Representatives are hereby directed to forward copies of the concurrent resolution to the Congressional Delegation of the State of Delaware, by: Hon. Daniel O. Hastings, Hon. John G. Townsend, Jr., and Hon. J. George Stewart.

Became effective without Governor's approval.

CHAPTER 294

HOUSE CONCURRENT RESOLUTION

Be it resolved by the House of Representatives of the State of Delaware the Senate concurring therein:

That the members of each branch of both Houses of the General Assembly desire to express their appreciation and sincere thanks for the delightful hospitality which the Chamber of Commerce of the City of Wilmington so graciously extended to them at the Reception at the Hotel duPont in Wilmington during the course of its annual meeting, and particularly the members of both Houses are appreciative of the cordiality and efforts of the Chamber of Commerce in bringing together a group of distinguished citizens of the State of Delaware and in the sponsoring of the illuminating and informative address by Henry I. Harriman, President of the United States Chamber of Commerce; and

BE IT FURTHER RESOLVED That a copy of this Resolution be spread upon the minutes and a copy sent to I. B. Finkelstein, President of the Wilmington Chamber of Commerce.

Approved February 8, 1935.

CHAPTER 295

HOUSE CONCURRENT RESOLUTION

Be it resolved by the House of Representatives of the State of Delaware, the Senate concurring therein:

That the President Pro Tempore of the Senate and the Speaker of the House of Representatives of the One Hundred and Fifth General Assembly each be and they are each hereby authorized to appoint a Committee of three to arrange for the visitation of all State Institutions, by the members of the One Hundred and Fifth General Assembly on Wednesday, February 27th and Thursday, February 28, A. D. 1935.

Approved February 8, 1935.

CHAPTER 296

HOUSE CONCURRENT RESOLUTION

Be it resolved by the House of Representatives of the State of Delaware, the Senate concurring therein:

That a joint session of the General Assembly of the State of Delaware be held on Friday, February 22d, 1935, at two o'clock in the afternoon, to commemorate the birth of George Washington.

BE IT FURTHER RESOLVED that the President Pro Tempore of the Senate be authorized to appoint three members of the Senate, and the Speaker of the House of Representatives be authorized to appoint three members of the House of Representatives, to constitute a committee to arrange a suitable program for the commemoration services.

Approved February 28, 1935.

CHAPTER 297

HOUSE CONCURRENT RESOLUTION

Be it resolved by the House of Representatives of the State of Delaware, the Senate concurring therein:

That the members of each branch of both Houses of the General Assembly wish to express their sincere appreciation to Dr. F. H. Green for his scholarly, masterful, and most entertaining address in commemoration of the anniversary of the birthday of Abraham Lincoln, delivered at the joint session of the 105th General Assembly, held in the Senate Chambers of the Legislative Halls on February 12, 1935.

BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the minutes, and that a copy be sent to Dr. F. H. Green, Headmaster of the Pennington School for Boys.

Approved February 28, 1935.

CHAPTER 298

HOUSE CONCURRENT RESOLUTION

WHEREAS, Dr. Peter W. Tomlinson departed this life on the 20th day of August, A. D. 1934; and

WHEREAS, the said Dr. Peter W. Tomlinson was a member of the House of Representatives during the year 1880 and rendered conspicuous service to his State and the people whom he represented in said office; and

WHEREAS, the said Dr. Peter W. Tomlinson was possessed of a great interest in the welfare of his fellow man and repeatedly gave kind and helpful service often at his own personal expense; now therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the members of this One Hundred and Fifth General Assembly, on behalf of all the citizens of the State of Delaware, does hereby express deep regret at the death of Dr. Peter W. Tomlinson, and does emphasize their full and sincere appreciation of his services to his State and the people thereof; and

BE IT FURTHER RESOLVED that the sincere sympathy of this General Assembly be extended to his family, and that a copy of this resolution be spread at large upon the Journal, a copy delivered to the press, and a copy sent to his family.

Approved March 8, 1935.

CHAPTER 299

HOUSE CONCURRENT RESOLUTION

Be it resolved by the House of Representatives of the State of Delaware, the Senate concurring therein:

That at the end of the legislative day of February 26, 1935, both Houses of the One Hundred and Fifth General Assembly shall adjourn until Monday, March 4, 1935, at eleven o'clock in the forenoon.

Approved March 8, 1935.

CHAPTER 300

HOUSE CONCURRENT RESOLUTION

WHEREAS, in the death of the Honorable Edward G. Bradford, Jr., who was an honored and respected former member of the House of Representatives of the State of Delaware, the State has lost a useful and valued servant; and

WHEREAS, it is fitting that this General Assembly give public expression and offer its sympathy to the family of the late Mr. Bradford in their bereavement; now therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That this General Assembly, on behalf of the citizens of the State of Delaware, does hereby express deep regret at the death of the Honorable Edward G. Bradford, Jr. of Wilmington, and emphasizes their full and sincere appreciation of his services to his State;

That we extend to his family the sincere sympathy of this General Assembly;

That a copy of these resolutions be spread at large upon the Journal, a copy delivered to the press, and a copy sent to his family.

Approved March 22, 1935.

CHAPTER 301

HOUSE CONCURRENT RESOLUTION

Be it resolved by the House of Representatives of the State of Delaware, the Senate concurring therein:

That House Concurrent Resolution No. 8, in reference to the Introduction of New Business, approved February 4, 1935, be and the same is hereby changed and modified in such manner and to such extent as to permit the introduction of the following Bills and Resolutions:

House Bill entitled: An Act Appropriating Money To The State Board of Pharmacy.

Senate Bill entitled: An Act Authorizing The Mayor and Council of Selbyville To Borrow Money and Issue Bonds Therefor, For the Purpose of Paying Certain Bonds of the Town of Selbyville Now Due and Unpaid.

Senate Joint Resolution: In Reference To The Publication of American Scenes Depicted By Stanley Arthurs.

House Joint Resolution: Appropriating Certain Moneys Out of the State Treasury to Pay Certain Claims Against the State, Relative to Expenses Incurred by the Supreme Court.

Senate Bill entitled: An Act to Discontinue the Levying and Collection of Taxes In All the Counties of this State for Road Purposes and Limiting the Total Tax Rate in Said Counties For County Purposes.

Senate Bill entitled: An Act Authorizing the Refunding of Certain Highway Bonds of the State of Delaware by Issuing Refunding Bonds therefor.

Approved March 13, 1935.

CHAPTER 302

HOUSE CONCURRENT RESOLUTION

Be it resolved by the House of Representatives of the State of Delaware, the Senate concurring therein:

That a joint session of the General Assembly of the State of Delaware be held on Wednesday, March 20, 1935, at two o'clock P. M., in order to afford the opportunity to the Committee of the State Bar Association to explain and present its views to both branches of the One Hundred and Fifth General Assembly concerning House Bill Number 172 relating to the Franchise and Taxation Laws of the State of Delaware.

Approved March 22, 1935.

CHAPTER 303

HOUSE CONCURRENT RESOLUTION

Be it enacted by the House of Representatives of the State of Delaware, the Senate concurring therein:

THAT HOUSE CONCURRENT RESOLUTION NO. 8, in reference to the Introduction of new business, as changed and modified, by House Concurrent Resolution No. 21, be and the same is hereby further changed and modified, in such manner and to such extent as to permit the introduction and consideration of the following:

HOUSE BILL, entitled: AN ACT PROPOSING AN AMENDMENT TO SECTION 15 OF ARTICLE 2, OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE COMPENSATION OF THE MEMBERS AND PRESIDING OFFICERS OF THE GENERAL ASSEMBLY AND FIXING AND LIMITING THE AMOUNT FOR CLERKS, EMPLOYEES AND ATTACHES.

HOUSE BILL, entitled: AN ACT TO AMEND AN ACT ENTITLED: "AN ACT MAKING APPROPRIATION FOR THE EXPENSES OF THE STATE GOVERNMENT FOR EACH OF THE TWO FISCAL YEARS ENDING JUNE 30, 1936, and JUNE 30, 1937", approved March 25, 1935.

Approved April 24, 1935.

Proclamations of the Governor

CHAPTER 304

STATE OF DELAWARE EXECUTIVE DEPARTMENT

PROCLAMATION

Whereas, Pierre S. duPont, Tax Commissioner on behalf of the Tax Department of the State of Delaware, has reported to me a list of corporations which for two years preceding such report have failed to pay the taxes assessed against them and due by them under the laws of this state.

Now, therefore, I, C. D. BUCK, Governor of the State of Delaware, do hereby issue this proclamation according to the provisions of Section 75 and 76, Chapter 6, of the Revised Statutes of 1915, as amended, and do hereby declare under this act of the Legislature that the charters of the following corporations, reported as aforesaid, are repealed:

A. A. Adams Stores, Inc., A. A. Faxon Co., Inc., A. B. C. Moving and Storage Company, A. B. Curtis Stores Company, Abraham Bralow and Company, A. Blume's Grubstakers, Incorporated, The, A. Berllner, Inc., Abacus Corporation, A. Castelli & Co., Aberdeen Coal Company, A. C. Keeley, Inc., A. C. Rahm Corporation, A. C. S. Trading Company, Inc., A. C. Soper Company, Inc., A. Duie Pyle Contracting Company, Abbott-Downing Truck & Body Company, A. G. Fischer, Inc., Abe Greenstine, Inc., A. G. Snider Industries, Incorporated, A. Gittleman and Son Company, A. H. Alvis & Company, Abbott Hotels Corporation of Georgia, The, A. H. Kaplan, Inc., A. J. Burg, Inc., A. L. Martin Associates, Inc., A. M. Ramer Company, A. Norden and Company, Abuna Rubber Corporation, A. R. Milner Seating Corporation, A. R. Stenson Company, Abreu Safety Airways Company, Ltd., A. S. Ramage, Inc., A. Swanson & Sons, Incorporated, A. W. Bellem Co., Inc., Abrasive Wheel & Equipment Co., Inc., Active Carbon Corporation, Active Lodge No. 14 of the Order of Knights of Pythias of the State of Delaware, in the Town of Felton, Acme Machine Company, Acme Supply Company, Acme Sound Products Corporation, Academy of Visitation of Wilmington, Delaware, The, Adirondack Corporation, Ado-

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mation Company, Adjusto Chair Corporation, Advance Carpet Cleaning Company, Advertising Counselors, Inc., Adirondack Fur Ranching Corporation, Adelpia Finance Service, Inc., Ad-Justa Blind Bracket Corporation, Adelpia Janitor Supply Company, Inc., Adelpia Lodge Number 8 (Incorporated) Knights of Pythias, Address-List Service, Inc., Adcraft Neon Corporation, Advertisers' Press, Inc., The, Advanced Research Laboratories, Inc., Addison Sales Company, Adelpia Securities Corporation, Adjusto Security Corporation, Advance Securities Corporation, Advance Securities Management Company, Inc., Adelpia Sales Service, Inc., Adelpia Theatre Ticket Service, Inc., Airplane Appliances Corporation, Ltd., Aerial Activities, Inc., Agricultural Associations Travel Club, Inc., Aircraft Bond & Share Company, Inc., Aerodyne Corporation, Ailenroc Corporation, Airdry Corporation, Airkure Corporation, The, Airways Corporation of America, Airport Concessions, Inc., Affiliated Company, Number One, Aeromotive Development Corporation, Airway Express Corporation of America, African Exploring Expedition, (Incorporated), Aiken Export Finance Corporation, Aerial Enterprises, Inc., Airplane Equipment and Sales Corporation, Agricola Gas Utilities Corporation, Airport Holding Corporation, Aeroplane Hangar and Equipment Corporation, Agdar Investment Company, Agricultural Investors, Inc., Aircraft Lumber Corporation, Airport Management Corporation, Aeroland Oil Company, Agricultural Potassium-Phosphate Company of California, Ltd., Affiliated Royalties Co., Incorporated, Ajax Rope Co. Inc., Ajax Rubber Company, Inc., of Delaware, Aeronautical Service Corporation, Airamerican Supertransport Company, Air Shares, Inc., Air crest Studios, Inc., Ajax Tire Co., of Nashville, Alabama Aircraft Corporation, Alaroke Corporation, Algoman Corporation, Alaska Consolidated Canneries, Inc., Alamac-Esplanade Corporation, Alamo Endowment Company, Incorporated, Alaskan Fur Corporation, Alexander H. Searle, Incorporated, Alglass, Inc., Alexander Petroleum Corporation, Albertson Securities Company, Alabama State Fair Company, Albatross Steel Furniture Company, Ltd., Alexander & Smith, Inc., Alex Wolfington's Sons, Inc., Allied Aviation Corporation, Allied Adsign Industries, Inc., Allied American Industries, Incorporated, All American Pictures, Inc., Allied Aircraft & Transport Co., Inc., Allocode Corporation, The, All Cults Academy, Inc., Allstates Development Company, Alliance Finance

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Corporation, Almehan, Inc., Allied Investment Corporation, Allegheny Metal Products Co. Allegheny Mountain Silver Fox Corp., Alloy & Mineral Products, Inc., Allday Oil Corporation, Alpha Oil & Gas Company, Almica Products Corporation, The, Allweather Putting Green Co., Allegheny Public Service Company, Alliance Royalties Company, Allied Reserve System, Incorporated, All Securities Corporation, Allied Sales & Export Co., All Speed Transmission Co., Inc., Allied Water & Utilities Corporation, Alton Corporation, The, Aluminum Collapsible Bed Corporation, Alto Oil Company, Aluminum Ore Corporation, Amphibian Aircraft Corporation, Amusement Arts Corporation, Amusementab Corporation, Amalgamated German American Oil & Gas Corporation, Amazon Rubber Corporation of New York, Amelia Steamship Corporation, Amico Supply Company, American Automobile Appliance Company, American Alloy Company, American Auclo Company, American Asbestos Mining & Milling Co., American Automatic Photoweigh Company, Inc., American Aviation School, Inc., American Beryllium Corporation, American Beslin Corporation, America's Better Candy, Inc., American Boat Corporation, American Bond Company, American Bricklite Corporation, American Bast Fibre Co., American Bosshardt Furnace Corporation, American Chiropractic Association, Inc., American Commodities Corporation, American Corporation of Corporations, American Cottonpicker Corporation, American Chemical and Drug Co., American Cirrus Engines, Inc., American and Continental Investment Company, American Consolidated Music Co., Inc., American Controlled Oil Company, American Crude Oil Motors Corporation, American Common Stocks Company, Inc., American Dealers Association, American duPont Battery Co., Ltd., American Dekart Co., Inc., American Dirigible Corporation, American Drug Company of California, Ltd., American Diversified Realty Corporation, Ltd., American Delivery Service, Inc., American Electric Brake Corporation, American Electro-Chemical Company, American Empire Corporation, American Engineering & Developing Company, Inc., American and European Guaranteed Mortgage and Securities Company, The, American Eagle Mortgage Company, Inc., American Financial Corporation of New York, American & Foreign Claims Bureau, Inc., American Fur Farms, Inc., American Foods, Inc., American Federation Moving Picture Operators, Inc., American Gold Bond Company, Ameri-

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can Greek Estates Corporation, American Galvanizing Institute, Inc., American Historical Research Society, American Home Stores Corporation American Industrial Bankers Corporation, American Industrial Corporation, American Insulsteel Corporation, American Investment Corporation, American Inventions, Inc., American Insulating Lath Company, American Industries & Management Corporation, American Ideal Safety Devices, Inc., American Industrial Shares, Inc., American Investment Securities Corporation, American Investment Trust of Kentucky, Inc. American Iron Works, Inc., American Linen Fibre Co., American Laundry, Inc., American Light & Supply Co., Ins., American Lumber and Supply Co., American Land Value Guarantying Corporation, American Machinery Company, American-Mexican Claims Bureau, Incorporated, American Mining and Commercial Co., Ltd., American Mortgage Company of Baltimore, American Manganese Development Corporation, American Mechanical Engineering Corporation, American Mines and Exploration Company, American Mathis, Incorporated, American Masonic Press, Inc., The, American Mineral Products Company, Inc., American Motorist Protective Association, American Market Shares, Inc., American National Company, American Natural Gas Corporation, American National Petroleum Co., Inc., American National Public Service Corporation, American N. S. E. Corporation, The, American Neon Sign Co., American Oil Company, American Overseas Corporation, American Organic Fertilizer Co., American Ore Products Corporation, American Pelliphilo Corporation, American Pine Chemicals, Inc., American Prospecting Company, American Prudential Corporation, American Purchasing Corporation, American Petroleum Engineers, Inc., American Plate Glass Corporation, American Plumbing and Heating Company, American Pecan and Nut Company, American Prohibition Referendum Association, American Produce & Trading Corporation, American Pulp and Yarn Corporation, American Quarries, Inc., American Raab Aircraft Corporation, American Radium Corporation, American Railways Company of Delaware, American Regulator Company, Inc., American Rice Export Corporation, American Radial Press, Inc., The, American Rapid Pan Greaser, Inc., American Royalty Security Corporation, American Salpha Corporation, American Seafood Corporation, American Securities Corporation, The, American Shareholders Corporation, American Silica Corporation,

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American Slavic Colonization Trust, Inc., American Safety Devices Company, Ltd., American Sinepi, Inc., American Syndicate Incorporated, American Scottish Rite Temple, Paris, Inc., American Thrift Company of Pennsylvania, American Timber Company, American Toiletries Company, American Tractor Equipment Co., American Type Investors, Inc., American Trading Manufacturing Co., Inc., American Tile & Terrazzo Company, American Utilities & Equities Corporation, American Utility Shares Corporation, American Window Company, American Wire Machinery Corporation, American Wood Products Corporation, American X-Ray Corporation, Anderson-Cameron Forwood Farm Interests, Inc., Anderson and Company, Inc., Anderson Kilgore Simmons Properties, Inc., Ancient Order of Hibernians, Division No. 2, Ancient Order of Hibernians, Division No. 3, Incorporated, Ancient Order of Hibernians Division No. 6, Incorporated, Anderson Properties, Inc., Anchor Realty Corporation, Anderson Safety Hook Company, Inc., Anderson Williamson County Properties, Inc., Anderson Williamson County Serpentine Pool, Inc., Anderson West Williamson Thirty Acre Pool, Inc., Anna Belle Oil Corporation, Antazma Corporation of America, Anglo-Cuban Oil and Refining Corporation, Anthracite Drilling Company, The, Anna Green, Inc., Angelus Needle Art Company, Inc., Aoco Oil Co., The, Anolu Petroleum Corporation, Antilles Petroleum Corporation, Angelo Petroleum, Inc., Anthracite Power & Utilities, Inc., Annite Sales Corporation, Andree's Service, Inc., Appledoc Corporation of America, Ltd., Apartment Estates Club of America, Inc., Apfelbaum & Elias, Inc., Apex Realty Company, (Inc.), Apex Royalty Company, Aquagel Sales Corporation, Arthur A. Beard, Incorporated, Ark-Ala Lumber Company, The, Argentine Brazilian Corporation, Armand Corporation, Artu Corporation, Arcadia Cafe Company, Arklahoma Company, Inc., Ardnave Development Corporation Arlac Dry Stencil Corporation, Artist Entertainment Bureau, Inc., Arutunoff Engineering Company, Arflex Electric Fixtures Corporation, Armstrong Electric and Manufacturing Corporation, The, Arkansas Electric and Water Company, Arco Hotel Company, Argus Holding Corporation, Arnold Hardware and Furniture Company, Art Kramer, Inc., Armstrong Mining Company, Artcraft Manufacturing Company, Arkansas Mining Company, Arvey Manufacturing Co., Arledge Map & Engineering Corporation, Arizona Metals, Inc. Artcraft Novelty Co.,

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Arrow Oil & Gas Company, The, Arrow Pipe Line Company, The, Art Paint Poster Co., Arrowhead Recreation Company, Ardmore Rubber Products Company, The, Arkansas Syndicate, Inc., Armored Tire Corporation, Arkansas Valley Natural Gas Company, Artcraft Valet Salons, Inc., Associate Advertisers, Inc., Associated Arts Realty Corporation, Associated American Underwriters Corporation, Association of Baraca, The, Associated Baking Corporation, Associated Booteries, Inc., Associated Breweries, Incorporated, Associated Bliss Stores, Inc., Associated Bond and Share Corporation, Associated Block and Tile Corporation, Associated Capital Corporation, Associated Confectioners, Inc., Associated Distributors, Inc., Association of Disabled Soldiers, Sailors and Marines, Asa E. Creeger, Inc., Astor Finance Company, Association for Fostering the Ideals of American Liberty, Associated Founders Investment Corporation, Associates, Inc., Associated Leaders' Acceptance Corporation, Associated Life Companies, Inc., Asylum Lodge No. 23 I. O. O. F., Incorporated, Associated Manufacturers Corporation of America, Associate Metallurgists, Inc., Astor Oil & Gas Company, Inc., Asmet Packing Co., Aster Restaurant Corporation, The, Asphalt Roofing Products Co., Inc., Ashley Syndicate, Associated Stores of America, Inc., Ltd., Associated Securities Dealers Corporation, Associated Travel Bureaus of America, Inc., Associated Transit Company, Inc., Assawaman Tribe No. 36, Improved Order Red Men, Ocean View Delaware, Associated Union Corporation, Associated Union Mortgage Guaranty Corporation, Atlantic Aircraft Corporation, Atlantic Appraisals Company, Inc., Atlantic Aviation Corporation, Atlas Axle Company, Atlas Airplane & Engine Corporation, Atlanta Baseball & Amusement Corporation, Atlantic Display Corporation, Atlantic Exploration Company, Atlantic Film Corporation, Atlas Food Products Company, The, Atlantic Glass Corporation, Atomic Gas Company, The, Atlas Investors Corporation, Atlantic Keystone Petroleum Company, Inc., Atlas Motor Corporation, The, Atlas Novelty Co., Atlantic Natural Gas Company, Atlantic Oil Royalty Corporation, Atlantic & Pacific Aviation Corporation, Atlantic and Pennsylvania Realty Co., Atlantic-Pacific Stages, Inc., Atlantic Public Service Associates, Inc., Atlantic Public Utilities, Inc., Atlantic Recreation Center, Inc., Atlantic Real Estate Corporation, Atlas Soap & Chemical Company, Atlantic Utilities Service Corporation, Atlantic Warehousing Co.,

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Atlantic Waterworks Corporation, Atlantic Welding and Manufacturing Corporation, Aviation Accessories Corporation, Automatic Aerial Tower, Inc., Automotive Brokers, Inc., Automatic Corporation, Auto Commercial Body Works, Inc., Automatic Choker Corporation, Automacone Company, Inc., The, Aviation Consolidated, Inc., Automatic Devices Corporation, Automobile Equipment Company, Automotive Equipment Company, Automatic Electric Radiator, Inc., Automatic Garage Engineering Corporation, Automatic Heat Corporation, Aviation International Corporation, Automatic Lag Clutch Corporation, Ltd., Auto-Matic Awning Company, Automatic Musical Instrument Company, Aviation Oil Corporation, Automatic Projector Corporation, The, Automotive Process Corporation, Avrie Products Corporation, Auto Parts and Machine Company, Automatic Picture Machine Co., Automobile Public Service Corporation, Autodine Restaurant Corporation of America, Aument and Reynolds, Inc., Automotive Service Bureau, Inc., The, Aurora Securities Company, Automatic Sign Corporation, Automatic Supply Company, Inc., Auto Sign Display Co., of Delaware, Automatic Supply Midwest, Inc., Automatic Stoker Sales, Inc., Automatic Transmission Corporation of America, Aviation Trading Corporation, Automobile Underwriters Company, Automatic Venders, Inc., Auto Wash & Lubricating Co., Inc., Aurora X-Ray Corporation.

B. & B. Royalty Company, Badger-Benner Investing Corporation, B. B. Engine Company, B. C. Sales Co., Inc., B. G. Luther Company, Inc., B. H. Wilson & Co., B. J. Harrison Manufacturing Co., Inc., Bacterol Products Corporation, Bahten Poultry Farms Company, Inc., Badger State Oil & Gas Co., Baird Associates, Inc., Baja California Development Company, Bailey & Collins, Inc., Bakeries of America, Inc., Ltd., Bakers Advertising Service Corporation, Baker, Hillyer & Co., Baker Steel Company, Balston Automatic Writing Machines Company, Baldwin Cleaner Corporation, Baltimore Finance Corporation of Maryland, The, Balwin Marine Company, Bancorporation of America, Inc., Bankers Budget Corporation, Banfield Chevrolet Company, The, Bangor Central Slate Company, Bangorvein Consolidated Slate Companies, Inc., Bangor Crushed Slate Corporation, Banquiers Club Tours, Bankers Consolidated Corporation of the District of Columbia, Bangor Gold Mining Corporation, Bankhead Hotel Company, Bankers Insurance

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Savings Plan, Inc., Banana, Inc., Banking Protective Service, Incorporated, Bankers Title Company, Bankers Travel Bureau, Inc., The, Barger Coal & Water Power Co., Barnes Corporation, Barnsdall-Foster Company, Barnes' Soap Products, Inc., Barranquilla-Cartagena Railroad Company, Basic Chemical Corporation, Bastrop Gas Improvement Co., Barth Hotels Corporation, Barton Torpedo Company, Bateman Construction Company, Bates Expanded Steel Truss Co., Baum Corporation, The, Baumco, Inc., Baystran, Inc., Baylis Manufacturing Company, The, Baxter Sales Co., Bay-Tree Holding Corporation, Beach Beauty Salon, Inc., Beaconsfield Co., Inc., Beaver County Motor Co., Beach Chemical Company, Beach Development Corporation, Beach and Fields, Inc., Beaver Mutual Life Insurance and Casualty Company, Beaver Valley Coal Corporation, Be Well Water Corporation, Bedford Coal Corporation, Beck Garage, Inc., The, Beck, Keim & Burns, Inc., Beckwith North Central Finance Corporation, Becker, Tailoring Company, The, Behrens Distributing Corporation, Beech Terrace Investment Company, Bell Aircraft Corporation, Belmont Amusement Company, Belway Corporation, The, Belgrade Candy Sales Company, The, Bement Corporation, Bell Cow Mining Company, Inc., Belmont Engineering Company, Inc., Belding-Hall Electric Corporation, Belfield Iron Works, Inc., Bell-Kiddy Shops, Inc., The, Belmont Quarries, Inc., Bell Securities and Management Company, Inc., Belle Vernon Ice Co., Inc., Ben M. Curtis, Incorporated, Bensalem Plaza Services, Inc., Benjamin Winter, Incorporated, Bentley Chain Stores, Inc., Benwell & Company, Benton County Hardware Company, Benz-Oil Corporation, Ber- man's, Inc., Berdoll-Miller Mining Co., Berea Super-Service Corporation, The, Bertone Fuel Reaction Corporation, Berwyn Invest- ment Company, Berry Shocker, Incorporated, Best Bet Beverage Cor- poration, Better Bearings Sales Corporation, Bessemer Coal & Re- fractories Corporation, Bethlehem Company, The, Bethlehem Clean- ing and Dyeing Company, Bethlehem Chemical Company, Bexar Facts Publishing Company, Better Homes, Incorporated, Better Kake Baking Corporation, Betzell Manufacturing Company, Bes-way Tool Corporation, Big Ben Products Corporation, Big Four Petroleum Co., Bill's Haberdashery, Inc., Bio-Chemical Products Company, Binney Inspection Service, Inc., Binter's Music Store, Inc., Blanche Bay Gold Mines Corporation, The, Blancolit Chemical Corporation, Blanco Coal Co., Blackhawk Finance Corp., Black Gold Petroleum

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Company, Black Hawk Oil Company, Black Hawk Royalty Company, Black Rock Mining Syndicate, Blackstone Road Material Corporation, Blaney Valve and Manufacturing Company, Inc., Blue Cross Shipping Corporation, Block Cleaning & Dyeing Co., Bluff Point-Lake Keuka Management, Incorporated, Bledson Security Corporation, Bluestone Block & Supply Co., Bleachers Seat and Amusement Co., Blue Streak Mining Company, Body Builder Sales Corporation, Boardwalk Hotels Corporation, Board of Trade and Commerce of the Motion Picture Industry of the United States of America, Inc., The, Bolick-Auburn Company, Inc., Bonded Credit Guarantee Company, Booncraft Corporation, Book Drilling Corporation, The, Bond Investment Company, Bonded Refrigeration Co., Inc., Bond Shoe Manufacturing Corporation, Bottled Beverages, Inc., Boston Paper Company, Inc., Borman Personnel Service, Inc., Bourne Investment Corporation, Bowler Motors, (Incorporated), Boyd-Martin Boat Company, Bowen-Norris Construction Company, Inc., Bowman Oil & Gas Company, Box Patents, Incorporated, Bowen-Shields Chemical Company, Bradley Bros. Mfg. Co., Inc., Bradley Drilling Company, Bradfield Motors, Inc., Bradley Tyrell, Inc., Brandywine Fire Co., No. 10 of Wilmington, Delaware, The, Brandywine Land and Improvement Co., Brandywine Lodge No. 18, I. O. O. F. of Highland's in New Castle County and State of Delaware, Brandywine Lodge, No. 18, I. O. O. F., of Brandywine Banks, Delaware, Brandywine Lodge, No. 18, I. O. O. F., of Delaware, Incorporated, Bray Machinery & Paving Corporation, Brantford Publishing Company, Inc., Brandywine Radio Shop, Inc., Breese Aircraft Corporation, Bren-Tex Oil Company, Inc., Brimberg Bros. (Del.) Inc., Brighton Chemical Works, Inc., Bridgeville Conclave No. 35, Improved Order of Heptasophs, Incorporated, Bridgefield Sweets, Incorporated, British American Cedar Corporation, Broadway Athletic Club, Inc., Broadway Estates, Incorporated, Broadway Investors Corporation, Brokers, Inc., Broadway Lotion Corporation, Brock & Weymouth, Incorporated, Brooklyn Air Transport, Inc., The, Brotherhood Stores, Inc., The, Brooks Valve Corporation, Browne & Brookfield, Inc., Bruckner Mfg. Co., Inc., Bryant Service, Inc., Buchanan Aeroplane Corp., Buckingham Fur Company, Bucolston Quarries, Inc., Buchanan Trading Corporation, The, Bullock Development Company, Buel Exploration Company, Burd Buying Service, Inc., Burdick & Company, Inc., Burdon, Incorporated, Bur-

PROCLAMATIONS

den Pictures, Inc., Burmont Construction Corporation, The, Burnt Clay Products Company, Burrell-Snow, Inc., Burton Springfield Oil Corporation, Bush Consolidated Gold Mines, Incorporated, Butone Utilities, Inc., Buzzard Hill Mine, Inc.

C. A. Luhrsen Co., The, C. A. Nicholl & Company, Cairo Brick Corporation, Cairns Development Company, Caldwell Experimental Corporation, C. E. Grant, Incorporated, C. E. Stone Company, California Fireproof Door Company, California Finance and Trading Corporation, Caddo Holding Co. of Delaware, California Industrial Alcohol Company, Ltd., C. J. Alyea Co., The, California Land Buyers Syndicate, C. L. Kircher, Inc., Caldwell Motor Company, The, C. M. Holding Company, Inc., California Mutual Income Farms, Inc., California Nitrate Company, Cahow National Holding Corporation, California-New York Express Steamship Lines, Inc., California Oil Fields Corporation, Ltd., Calxico Petroleum, Inc., Calny Realty Corporation, Calotex Royalties Corporation, Ltd., C. R. Hammell & Sons Kid Company, Calumet Realty & Investment Company, Cab Sales Company, California Securities Company, Calvert Street Filing Stations, Inc., California-Utah Steel Corporation, California Vineyards Company, C. V. Hughes Corporation, C. W. Ritchie, Jr., Co., Inc., The, Cameron-Anderson Properties, Inc., Cambridge Corporation, Camden Council No. 33, Jr. O. U. A. M., Inc., Campbell-Cox Royalty Corporation, Cam Gear Company, Cambridge Hotel Company, The, Campana Mines, Inc., Cameron Quick Action Pool, Inc., Champion & Scheetz, Inc., Camden Union Camp Meeting Association of the Methodist Episcopal Church, Canadian American Airlines, Incorporated, Ltd., Capital Associates of America, Inc., Capital Acceptance Corporation, Canadian Automatic Fire Alarm Company, The, Capilizer Corporation, Caprice Cabinets Company, Inc., Canadian Copper Mines, Incorporated, Capitol Decorating Co., Capital Finance Corporation of California, Canned Food Export Corporation, Capital Health Center, Inc., Capitol Hill Hospital Clinic, Inc., Canadian Imperial Dry, Inc., Capital Investors, Inc., Capital Machine Company, Inc., Capital Mortgage Corporation, Capitol Marine Garage, Inc., Capital Research Corporation, Capital Shares Corporation, Capital Service, Inc., Capitol Title & Guarantee Company, Inc., Capitol Utilities Corporation, Carilda Corporation, Carnegie Coal & Dock Company, Carox Engineering

PROCLAMATIONS

Corporation, Carib Fiber Corporation, The, Carl F. Schneider, Inc., Growers 4 Generations, Carlson Garment Manufacturing Company, Inc., Caro Process Corporation, Caracas Syndicate, Inc., Carl Swanson Trap Corporation, Carolina Tobacco Corporation, Carpenter Corporation, Carson Credit House, Inc., Carson, Murphy & Co., Inc., Carroll Shellac and Varnish Co., Inc., Carson Waterproofing Co., Inc., Carter and Company, Carter Gas Corporation, Carteri, Incorporated, Cartwright, Incorporated, Carter Royalty Corporation, Carter Sound Equipment Company, Case Commission Co., Cascade Cafe, Inc., Castle Golf Company of America, The, Castner, Inc., Casco Oil Corporation, Casanave's Orange Products, Inc., Central American Aviation Corporation, Ltd., Central Accounting Bureau, Inc., Century Aircraft Corporation of America, Central American Finance, Inc., Cedric Apartments, Inc., Central Air Terminal Co., Central Airport Transport, Inc., Celo Bottling Corporation, The, Cathedral Bond and Mortgage Company, Cedartex Corporation, The, Cellulose Corporation of America, Central Chemical Company, Central Chicago Corporation, Central Construction and Supply Company, Central Disinfectant Company, Central Eastern Air Transport, Inc., Cavies, Incorporated, Ceresine International Products Co., Inc., Central Kentucky Dry Goods Company of Lexington, Central Lumber and Coal Company, Central Marketing Company, Center Market of Washington, Inc., Cavalier Orange Crush Company, Catholic Pictures Corporation, Cement Products and Machine Corporation, Central Real Estate and Loan Company, Century Rotary Motor Corporation, Central Securities Company of Asheville, Inc., Central States Investors Corporation, Central States Natural Gas Company, Central States Oil and Gas Company, Central Tennessee Gas Corporation, Central Union Public Service Company, Chain Amusement Company, Chamberlain Corporation, Champion Flavoring Company, Inc., Champlain Investors, Inc., Chain Properties Corporation, Chain Stores Company of America, Inc., Champion Stoker Corporation, Chain Stores Development Corporation, Chain Store Investors & Management Company, Inc., Charles A. Scott Pictures Corporation, Charles Beadenkopf Company, Inc., Charlott Chemish Fabrick, Inc., Charles Dietz, Inc., Charles E. Lindh, Inc., Charles E. Wry Company, Inc., Chanon Garden Homes Corporation, Charles Gittelman, Inc., Charanna Holding Company, Charter Oak Investors Corporation, Charbox Sales Company, Charles

PROCLAMATIONS

Schaal's Sons, Incorporated, Chas. T. Topping Machinery Co., Chemlin Company, The, Chemical Copper Producers Company, Chemical Concentration Works, Inc., Chelton-Greene Company, Chemichydracarbon Corporation, Chemates, Inc., Chemicals, Inc., Cheney Investment Company, Chesapeake Marble Corporation, Chesapeake Mortgage Company of Dover, Delaware, Chase's Office Supply House, Inc., Chase Products Co., Inc., Chautauqua Petroleum Corporation, Chemical Products Company, Cherokee Public Service Company, Cherokee Royalty Corporation, Chicag Art Cinema Guild, Inc., Chicago Amusement Service Corporation, China Building Corporation, Chilean Chemical Corporation, Chicago Gliding School, Inc., Chic's Haberdashery, Inc., Chicago Milwaukee & Twin Cities Coach Lines, Incorporated, Chick Norton Motor Company, Chlorine Products Company, Chocolate Products Company, Chilean Service Stations, Inc., Chinese Theatre Corporation, Chicago and Western Coal Products Corporation, City Abattoirs, Inc., Circle Bar Cattle and Packing Company, Chromatron Corporation, Cinamette Corporation, Citramag Corporation, The, Cinecolor Company of America, Inc., Circle Construction and Equipment Co., Citizens Finance Co., Inc., of Washington, D. C., Citizens Finance Service, Inc., Church Publicity Bureau, Inc., Christie Pictures Corporation, Ltd., Cincinnati Pipe Line Company, The, Citizens Public Service Company of Nebraska, Citizens Public Utilities, Inc., Christoffer-son Roofing & Asbestos Company, Chrome Radiator Sign Company, City Security Corporation, Christine Treasury (Inc.), Church, Wootton & Co., Clark-Adams Oil & Royalties Corp., Ltd., Clara Barton Memorial Association, Clark Company, Inc., Clark Circular Loom Corporation, Clark Navigation Lines, Inc., Clark Plan Corporation, Ltd., Claxton Poultry Company, Clarence Saunders Corporation, Clarence Saunders Pacific Stores, Inc., Clark Tie Spike Company, Clean All Oil Company, Clerical Benevolent Association of the Diocese of Wilmington, Clean-BE-Between Tooth Brush Co., Cleansing Service Corporation, The, Clewiston Sales Company, Cloquot Manufacturing Company, Clown Miniature Golf Corporation, Cloisonette Products Corporation, Club System, Inc., The, Coast and Border Club, Coal Burner Devices, Inc., Coalsaver Company, The, Coatalen Diesel Engine Corporation, Coastal Insurance Agency, Inc., Coast Line Oil Company, Co-Mutual Investors and Trading Corporation, Coates and Rainear, Inc., Coal Transportation

PROCLAMATIONS

Company, Inc., Coff-Centennial Dye Works, Inc., "Coffee Dams" Incorporated, Cojedes Oil Fields Corporation, Colark Co., Inc., Cold-water Cotton Oil Company, Cold-Lite Corporation, Cole Standard Grip Nut Corporation, Cold Snap, Incorporated, Collateral Credit Corporation, Collins Flashlight Corporation, Collins Institute, Inc., Collapsible Steel Box Company, The, Collins and Vidal, Inc., Columbia Button Corporation, Coloder Company, The, Colorfilm Corporation, Colonial Construction Company, Columbia Chromium Company, Color Classic Pictures, Inc., Colonial Finance Corporation, Colonial Fiscal Company, Inc., Color Foundation, Incorporated, Columbia Laundry Company, Inc., Columbia Lodge, No. 26, I. O. O. F., Incorporated, Columbia Mining and Development Corporation, Columbia Orchestral Bureau, Incorporated, The, Colortone Pictures of America, Inc., Colonial Publishing Co., Columbia Tariff Bureau, Incorporated, Columbia Valley Power Company, Inc., The, Commercial Aviation Investment Company, Commercial Capital Company, Community Cheese & Canning Company, Community Creameries, Inc., Commercial Credit Service, Inc., Commercial Credit Service, Inc., Commonwealth Corporate Service Company, Commercial Chemical and Tonic Company, Combustion Engineering Company, Commercial Estates Investment Co., Commonwealth Engineering & Management Company, Compagnie Franco Anglaise De Gaz Et D-Electricite, Commonshare Founders Corporation, Community Ice Company, Commonwealth Industrial Finance Corporation, Composite Investors of Suffolk, Incorporated, Commercial Marine Corporation, Community Midget Golf Course, Inc., The, Commonwealth National Corporation, Compass Oil and Gas Company, Compeer Oil, Inc., Combustion Power Corporation, Commercial Protective Association of America, Common Shares Corporation of America, Commonwealth Trading Corporation, Community Utilities, Incorporated, Concourse Corporation, The, Congelator Company of America, Concho Gas Company, Concord Home Building Company, Inc., Concreduct, Inc., Concho National Company, Concentrated Products Corporation of America, The, Concrete Steel Products Co., Connecticut Caro Corporation, Connolly Company, Inc., Connolly and Swanstrom, Inc., Consolidated Airports, Inc., Consumers Association of Texhoma, Consolidated Capital Corporation, Consolidated Chemical Corporation, Consolidated Connector Corporation, The, Consolidated Cloak & Millinery Company, Con-

PROCLAMATIONS

solidated Connector Patent Corporation, Consolidated Distributors Corporation, Ltd., Consolidated Direct Selling Industries, Inc., Consolidated Finance Companies, Incorporated, Consolidated Furniture Corporation of America, Consumers Gas & Service Company, The, Consolidated Investing & Financing Corporation, Conshohocken's Leading Store, Inc., Consolidated Materials Corporation, Consolidated Mining Corporation of San Juan, Construction Machinery Company of California, Construction Materials Supply Corporation, Consolidated Newspapers, Incorporated, Consolidated Oil Investment Company, The, Consolidated Pharmacal Corporation, Consolidated Printing Corporation, The, Consortium Products, Inc., Consolidated Par-Kay Floor Corporation, Consolidated Printing and Publishing Service Co., Consolidated Producing Royalties, Incorporated, Consumers Radio Co., Conservative Securities Company, The, Consolidated Service Corporation, Consolidated States Telephone Company, Consolidated Textile Shrinkers of America, Inc., Consolidated Utilities Associates, Inc., Continental American Bankshares Corporation, Continental and Atlantic Corporation, Continental Brake Shoe and Equipment Company, Continental Commerce Corporation, Continental Credit Company, Continental Co-Operative Realty Company, Inc., Continental Dairy Stores, Inc., Continental Eastern Corporation, Continental Equities, Inc., Continental Engineering and Research Corp., Continental & General Investment Corporation, Continental Gas, Light and Power Company, Continental Hotel Corporation, Contact, Incorporated, Continental Investors Corporation, Continental Metropolitan Corporation, Conyer's Manor & Estates, Inc., Continental Securities Corporation, Continental Trading Corporation, Continental Traffic Marker, Inc., Continental Utilities Company, Contract Waterproofing Company of Delaware, Co-Operative Construction Company, Inc., Cooperative Cannery, Incorporated, Co-Operative Investing Co., Inc., Copra Oil Refineries, Inc., Copper & Benson Export Company, Copperfecto Metal Coating Company, Cooperative Nationale Argentine Corporation, The, Copper Shares, Incorporated, Corianton Corporation, Cordery Cinder Products Company, Corantyne Development Company, Corfil, Inc., Corporation Investment Shares, Inc., Cor-Lou Brick Company, Corporation Securities Company, Cornell Utilities Corporation, The, Cosma Products, Incorporated, Cosby Producing and Royalty Company, Courtesy Amusement Corporation,

PROCLAMATIONS

The, Cotter Butte Mines, Inc., Counties Bond & Mortgage Company, Cotile Corporation, The, Couch Co., The, Council Grove Gas & Service Company, The, Covert Gear & Manufacturing Corporation, Covington Hotel Company, The, Court House Square Realty Company, Cove Lumber Company, The, Coverdale Press, Inc., The, Court Thomas F. Bayard No. 3 Foresters of America, Incorporated, Coyle Company, The, Craftsman Building Company, Incorporated, Cramer Bros., Inc., Crawford Engineering Corporation, Cramer-Rosbrow Corporation, Cresco Dairy Machinery Company, Crest (Inc.), Crescent Oil and Gas Co., Createg Proprietary Corporation, The, Crestline Products and Service Co., Creecy & Shives, Inc., Cronenweh Dye Works, Incorporated, Crouch Exterminators Corporation, Crosman Trading Corporation, Crown & Anchor, Inc., Crozite Brick and Tile Corporation, Crowner Company, Crowell Company, Inc., Crown Publishing Co., Inc., Crystalline Rock Products Corporation, Cummings Engineering Corporation, Cummins-McDonald Navigation Company, Cumberland Mountain Products Company, Cumberland Natural Gas Corporation, Cumberland Oil Corporation, Cumberland Realty Company, The, Cumberland Realty and Loan Company, Cumberland Service Company, Incorporated, Cupples and Howard, Incorporated, Curvfit Products Co., Inc., Custo Corporation of America, Ltd., Custer Packing Company, Customers' Plans, Inc., Cusachs Sales Corporation, The, Custer & Son, Inc.

Daley's Artesian Water Company, Dairyman's Buying Association, Dahl Bit Corporation, D. B. Maloney Lumber Co., Dahlin & Company, Dale Company, The, Dahlberg Corporation of America, Dairy Corporation of America, D-G. Storage Battery Co., D. & H. Department Stores, Inc., D. J. Ryan Construction Co., D'Ormant Laboratories, Inc., D. & Y. Utility Corporation, Dansant Amusement Co., Daniel A. Minnick & Son, Inc., Daniel Boone Corporation, The, Danville Central Realty Company, Daniel D. Allen Garages, Incorporated, Darby Day Investment Corporation, Dark Hours, Inc., The, Darkins Hasp Lock Co., Inc., Darling Laboratories, Inc., Daniel McTague, Inc., Dame, Wolfe and Company, David B. Stock Amusement Company, Davies Corporation, Davin Holding Corporation, David H. Lipsey Co., David Luber, Inc., Davenport Manufacturing Co., Inc., Davenport Oil Company, The,

PROCLAMATIONS

Davidson Oil & Gas Company of Oklahoma City, David-Raymond Corporation, The, Davis Airlines, Inc., Davis-Durkin Corporation, The, Davrova Engine Corporation, Davis McDade & Company, Davidson Publishing Company, Dauphin Shoe Company, Davis Stores, Inc., Dawson-Babcock Flying Service, Inc., Day-Nite, Inc., Dayson Petroleum Company, Dealers' Discount Corporation of America, De Frise, Incorporated, De Frain Supply Company, Inc., De Johns of Phila., Inc., Deaner Oil & Gas Company, De Paul Construction Company, Deal Park Company, De Vincentis Construction Co., Death Valley Properties, Inc., De Woody Oil Company, De Wayne Studios, Inc., De Waters Automatic Safety Latch Corporation, Decorative Arts, Inc., Ltd., Debasco Boat Works, Inc., Decapo Chemical Corporation, Defiance Company, Inc., Deeper Hudson Oil Terminals Corporation, Deer Oil Corporation, Delo Airplane Corporation, Delmarva Amusement Co., Delmarva Carnival Supplies, Inc., Delatown Corporation, Delta Corporation, Delas Condenser Corporation, Delta Development Company, Delmarvia Fur Farms, Inc., Del-Mar-Va Collection Association, Inc., Delta Oil Company, Delaney Patents Holding Company, Dello Russo Bros., Inc., Delco Security Company, Delaware Avenue Luncheonette, Inc., Delaware Bankus Corporation, The, Delaware County Motors Corporation, Delaware Collection Agency, Inc., Delaware Corporation Company, Delaware County Finance Corporation, Delaware General Financial Corporation, Delaware Landscape Service, Inc., Delaware Louisiana Development Co., Delaware Lodge No. 349 of the German Order of Hargugari of Wilmington, Delaware, Delaware Memorial Park, Inc., Delaware Mining Syndicate, Delaware Shore Land Corporation, Delaware Vulcanized Fibre Company, Demacar Corporation, Dempster Coal Company, Demase & Morgan Co., Inc., Densite Corporation of America, Denison Company, The, Dependable Produce Co., Dentists Pyorrhea Association, Detroit Carrier and Manufacturing Company, Desert Development Corporation, Ltd., Detroit International Corporation, Developers Corporation, Ltd., Development Company Number One, Development Corporation of Pittsburgh, Devonian Gas Company, Dexter Lumber and Flooring Co., Devonian Marble Corporation, Dexter Packing Company, Inc., Dexter Sales Corporation, Development Service Corporation, Diamond Anthracite Coal Company, Dignan Cigar Co., Inc., Diesel Electric Power, Inc., Diamond Gas

PROCLAMATIONS

Co., Dickman-Green Company, Dick Murphy, Inc., Dielectric Products Corporation, Diatonute Products Corporation, Diatom Products, Inc., Dielectric Products, Inc., Diamond State Pharmacal Co., Diamond State Rides, Inc., District Absopure Co., Diversified Bancshares, Inc., Distributing Company of America, Dixie Development & Dairying Company, Diversified Finance Company, Ltd., Distributors Equities, Inc., District-Florida Corporation, District Garage & Service Station, Inc., District Hotel Corporation, Dissociators, Inc., Dixie Land and Colonization Co., Dimon Line, Inc., Diversified Mines Corporation, Distol Manufacturing Company, Dixie Royalties, Incorporated, Dixie Rayon Company, Inc., Diversified Shares International, Inc., Dixie Sugar Planting Company, District Theatre Corporation of Washington, D. C., Dixie Town & Land Co., Distance Typewriter Corporation, The, Dixie Ventilator Company, Inc., Dodson Garage Company, Dollar Dry Cleaners, Inc., Domestic Economy Corporation, Dominion and Federal Utilities Corporation, Domestic & Foreign Shares, Inc., Dolan & Meehan, Inc., Dollar Portland Lumber Company, Dollar Share Founders, Inc., Dolly Stores, Inc., Domestic Securities Company, Dominion Vinegar Co., Inc., Doodewards, Inc., Dooley Trucking Company, Inc., Douglass Chair Co., Douglass Heights Sub-Division Company, Dorsey Safety Bumper Company, Downyflakes Food Products, Inc., Downey Pump Corporation, Down Town Parking Garage, Inc., Dr. A. Henry, Inc., Drug Chaft, Incorporated, Drake Farm Products, Inc., Drumchrom, Inc., Drug Industries, Inc., Dr. Stevenz's, Inc., Dri-Steam Valve Corporation, Duette Company, The, Dudley Exploration Company, Dubuque Electric Company, duPont Motors, Inc., Duber Safety Muffler Device Co., Dunmore Ball Park Association, Dunleavy Bros. Company, Duncan Mackenzie's Sons Company, Incorporated, duPont Batteries Co., Ltd., of California, Duntile By-Products Manufacturing Company, Duotex Corporation, duPont Flower Shop, Inc., Duplex Motion Picture Industries, Inc., duPont Stores, Inc., Duplex Safety Window Corporation, Duplex Transmission Company, Dutro & Company, Dutch Druglet, Inc., Durabilt Ladder Corporation of America, Dutch Mountain Coal Corporation, The, Duryea Motor Corp., Durante National Company (Incorporated), Dudson Oil Company, Durium Products Corporation, Durham Radio Corporation, Durham Screw Products Corporation.

PROCLAMATIONS

Eastern Aircraft Corporation, Eastern Bankers Corporation, Eastern Confection Corporation, Eastern Clock Co., Easton Cooperage Company, Eastern College of Neuropathy and Naturopathy, Inc., Eastern Carpet Company, Inc., East End Realty Company, Eastern Fuel Company, E. F. Scott Co., Inc., E. H. Wood, Incorporated, E. I. Simpson Company, Eagle Investment Corporation, E. J. Phelan Heating Co., Inc., Eastern Kentucky Natural Gas Company, E. L. Pewtress Corporation, East Liberty Home Dressed Meat Company, E. M. Loew's Enterprises, Inc., E. Morris Music Publishing Company, Inc., Eastern Natural Gas Company, East Orange Lumber Co., East Oklahoma Electric Power Company, Earth Products, Inc., Eastern Pavements Corporation, E. R. Carr Construction Company, Inc., Eastern Shore Furs, Incorporated, Eastern States Public Service Corporation, Eastern Sales Corporation, Eagle Spring Water Corporation, Eastern States Poultry Manure Corporation, Eastern Service Corporation, Eastern States Holding Corporation, Eastern Theatres Accessories Corporation, Inc., Earp-Thomas Holding Corporation, Inc., Eastern Thrift Corporation, The, Earp-Thomas International Laboratories, Inc., E. T. Morris Company, Eanet & Yaffe Company, Incorporated, Economicoil Burner Corporation, Eclipse Electric Company, Echodon, Inc., Ebama Investment Company, Eclipse Manufacturing Co., Eco Sales & Holding Company, Eden Appliance Corporation, Egyptian Burial Vault Corporation, Edward Ball Agency, Inc., Edgewater Consumer-Credit Finance Co., Edward E. Fricker, Inc., Edward E. Rhoades Company of New York, Edgewater Gulf Hotel Company, Edward, Inc., Edwin I. Reeser, Incorporated, Ed. L. Stock, Incorporated, Egg Machinery Company, Incorporated, The, Edwin M. Bosworth & Company, Inc., Edward N. Parker and Company, Incorporated, Edgewater Park Company, Edwards Service Station, Inc., Ed. S. Vail Butterine Co., Edwin T. McGough Motor Aide Service, Inc., Egbert Trading Corporation, Edgley Worsted Mills, Inc., Eisenman & Bucholtz Company, Ejecto Company, The, Electrical Appliance Manufacturing Corporation, Electriclock Company, The, Elite Coffee Pot Co., Inc., Elgin Corporation, The, Electro Chemical Laboratory, Inc., Electro-Commercial Products Co., Inc., Electric Cotton Picker Co., Inc., Electropure Corporation, The, Electro Company, Elk Drug Co., Incorporated, El Fuerte Mining Company, Electric Heating Corporation, Electric House Heating Corporation, Electro Metal

PROCLAMATIONS

Products Corporation, The, Electrotime Manufacturing Company, Elk Mills Fabrics Company, El Paso Securities Corporation, Electric Public Utilities Company, Electric Public Service Company, Electrical Quantity Survey Bureau, Inc., Electrol Refining Company, Electrical Research Laboratories, Inc., Electric Vulcanizing Rubber Company, The, Elmer Bros., Inc., Elwino Corporation, Elleness Chemical Company, Incorporated, Elmer F. Bagley & Company, Elton-McCardle Productions, Inc., Ella Mining Company, Elms Realty Corporation, Ellwood Sales Corporation, Enterprise Amusement Corporation, Engineers Aircraft Corporation, Emrick-Chapin, Inc., of Kalamazoo, Michigan, Emerich Corporation, The, Engineering Company of America, The, Enstice Corporation, The, Endine Company, Emerman Company, The, Endorsograph Company, Inc., The, Empire Equities Corporation, Epicure Food Stores Corporation, Emil Fried, Inc., Empire Floor and Wall Tile Co., Inc., (Michigan), Empire Floor and Wall Tile Co., Inc., (Illinois), Empire Floor and Wall Tile Co., Inc., (Ohio), Empire Finance Corporation, Engineers Gold Mines, Ltd., Inc., Empire Holding and Investment Corporation, Endowment Investment Corporation, Equitable Investing Corporation, Empire Lease & Royalty Company, Ltd., Emergency Loan Corporation, The, Endowment Loan and Mortgage Company, Equitable Management Corporation, The, Enterprise Oil Burner Co., of Washington, Incorporated, Empress Oil & Gas Corporation, Engineers Oil Company, Empire Public Service Corporation, Eubank Refrigerator Body Company, Emergency Repair Company, Equitable Surety Bond Agency, Inc., Enamel Securities Company, Emergency Sales Bureau, Inc., Empresas Unidos Del Ecuador, Inc., Empire Workingmen Stores, Inc., Erny Contracting Co., Erickson Engineering Industries, Inc., Erie Oil and Gas Company, Erney Tire & Service Corporation, Eureka Auto Chain Co., Eugene Christian Products, Inc., Esente Corporation, Ethylizer Corporation of America, Estate of D. F. Hill, Inc., Es-Fen Chemical Corporation, Estate Founders Associates, Inc., Estate Founders of America, Inc., Eugene Greenhut, Inc., Esperanza Mines, Inc., Esperanza Mining and Exploration Company, Eureka Natural Gas Corporation, Essen Perfumery Co., Inc., Etna Realty Syndicate, Inc., Eureka Sausage Factory, Incorporated, Evans Building Pharmacy, Inc., Everybody's Building and Loan Association, Eveready Chemical Co., Inc., Executive Corporation, The, Evangeline Exploration Company, Experi-

PROCLAMATIONS

mental Engineering Company, Everyday Loan Company, Exchange National Company, Ltd., Exchange National Investing Company, Ev-O-Graphic Corporation of America, Exel Oil Co., Exposition Park Scenic Railway Company, Excel-Sure Motor Company, Evans Sprague and Sturges, Inc., Export Trade Extension Sales Corporation, Ltd., Evan T. Pennock & Co., Inc., Export Trade Extension, Inc., Exchange Telephone Company.

F. B. Oldham & Company, Inc., Faeriestone Corporation, The, Fairfield Chemical Products Company, The, Falk Corporation, The, Fan-Elva Oil and Gas Company, Family Finance Service, Inc., Fabrics Finishing Corporation, Fame Fire Company No. 6 of Wilmington, The, Fairview Fire Company, F. H. Smith Building, Inc., Fabricant Leather Goods Company, F. L. Hardesty & Sons Company, F. Morris & Co., Inc., Fairfield Mining Company of Utah, Fabricated Steel Products Company, Fair Stores Company, Fancher Trading Corporation, Fancy Woods, Inc., Farm Barbecue Company, Farmers' Co-Operative Machinery & Metal Co., Farman International Airways, Inc., Farmers and Ranchers Royalty Corporation, The, Farm Utilities Mfg. Co., Farmers Union Commission Company, Fashion-Art Studios, Inc., Fayette Advertising & Premium Co., Inc., Fast Air Service Transport, Inc., Faulkner Brothers Motorphone Service Station, Inc., Fashion Feature Studios, Inc., Ltd., Favorite Foods, Inc., Federal Bureau of Identification, Inc., Federation of Colored Women's Clubs of the State of Delaware, Federal Cooperative Finance Corporation, Federation of the Drekolias Industries, Inc., Federal Farm Royalty Corporation, Federal Feed Products Company, Federal Facilities, Inc., Federal Finance and Audit Corporation, Federal Finance Corporation of America, Federal Home Investing Company, Inc., Fenton H. Davenport, Inc., Federal Plug Corporation, The, Federal Service Bureau, Inc., Federal Supply Company, Federal Signal Investment Company, Fedco System, Incorporated, Federal System Bakeries of Georgia, Inc., Federal System Bakeries of South, Inc., Federal Weatherstrip & Screen Co., Inc., Fetzer & Emmons Trading Corporation, Ferguson International Corporation, The, Ferdig Oil Company, Ferguson Printing Ink Corporation, Fidelity Audit Company, Film Arts Club, Fidelity Builders, Inc., Fibre Cooperage Equipment Co., Inc., Fidalgo Drying Systems, Inc., Fidelity Insurance Shares Corporation,

PROCLAMATIONS

Fidelity Mortgage and Finance Company, Fifth National Investors Corporation, Fidelity Production Company, Fibre Process & Equipment Corporation, Fidelity Real Estate Corporation, The, Fidelity Realty & Mortgage Corporation, Fidelity Trust Affiliate, Inc., First American Bancorporation, Inc., First Bank Investment Corporation, Finch Corporation, Firemaster Corporation, Fire Detecting Wire Corporation of Delaware, Finance Engineering, Inc., First Fidelity Company, Fineart Foods, Incorporated, First Fiscal Corporation, First Guardian Company of Delaware, Finkbine-Guild Lumber Company, Ltd., Finkel Investing Corporation, Financial Management Corporation, First Mortgage Bond Company, Finlaw, Mueller & Company, First National Holding Co., Inc., First National Capital Corporation, Ltd., First National Distributing Company, First National Bancorporation, First National Investors, Inc., First Nebraska Bancorporation, First National Investment Corporation, Fire Out Products, Inc., Financial Securities Corporation, First Thrift Corporation, First Thrift Corporation of America, Fish Oils, Inc., Fitch Mountain Development Company, Fitzsimmons Oil and Leasing Company, Flexo Blade Corporation, Flender-Braum Corporation, Flag Company, Incorporated, The, Fleur De Lys Mining Company, Flat Glass Manufactures Bureau, Inc., Flame Products Corporation, Florida Coast Steamship Company, Fluid-D'or Sales Company, Fluid-D'or Company, Incorporated, Florida Farms, Inc., Florentine Gardens Corporation, Florida Gulf & Amusement Company, Florence Gas & Service Company, The, Flights Interstate, Inc., Florence Lead and Silver Mines, Inc., Flo-Nette Corporation, Florida Orange Dry Corporation, Florida Products, Incorporated, Florida Trading Corporation, Food & By-Products Corporation of America, Foch Mining Company, Food Products Machinery Corporation, "Follow-Thru" Miniature Golf Corporation, Fountain Accessories Corporation, Fortune Bec Gold & Copper Corporation, Fox Billiard Academy, Inc., Fort Dearborn Securities Corporation, Forrest E. Gilmore Company, Foremost Fabrics Corporation, Ford Flour Company, Forest Hill Mining Co., Foundation Holding Corporation, Foreign Petroleum Development Company, Forbes Patents Corporation, Forrest Park Garage Company, Foundation Securities Corporation, Founders Securities Trust A Management Corporation, Forest-Village Amusement Company, Fort Worth Natural Gas Corporation, Fordyce Woolen Mills, Inc., Fort Worth Gas Utilities Corporation,

PROCLAMATIONS

Franklin Arbitrage Corporation, Franco-American Lamp Shade Company, Franklin American Company, Frank A. Gibbons, Inc., Franco-American Securities Corporation, Franklin Air Compressor Corporation, Frassoni Boiler Works, Inc., Fraser Disk Corporation, Fraser Electric Brake, Inc., Fraser Electric Transmission Corporation, Frazier Investment Corporation, Fraternity of Knights of St. Hedwig, Incorporated, Franklin Medical Service Bureau, Inc., The, Frank M. Williams & Company, Incorporated, Franklin Railway Oil Company, The, Frank Silk Mills, Incorporated, Franklin Securities Company, Franklin Thrift Corporation, Franklin Villa, Inc., Fremont Boat Corporation, Fremont Corporation, The, Fremont Devices, Inc., Frederick Dent Tailoring Company, Fred D. Kerr, Incorporated, French Finance Corporation, Fredonia Flat Glass Company, Fred Grimm, Inc., Freeman Hillmond & Young, Inc., Freehold Investment Corporation, French Investment Corporation, Fredonia Portland Cement Company, The, Free Savings Account Association, Inc., The, Fred Van Buren Corporation, The, Freeze-Vogel-Leopold, Inc., Frostonian Corporation, Friderichsen Floor & Wall Tile Co., Fry Holding Corporation, Frontier Oil Lease & Royalty Company, Friar Point Cotton Oil Co., Furr Automatic Signal Co., Fulop Bros., Inc., Fuel Distributors, Inc., Fuel Economy Corporation, Furniture Exchange, Inc., The, Fur Farms Corporation, The, Fuller Furniture Company, Fulton-Hardwood Brass & Aluminum Co., Furman's Market, Inc., Funderburk Organization, Incorporated, Fur Producers Corporation, Furnishing Sales Corporation.

G. A. Henshaw, Jr., Inc., G. C. Willcox & Co., Incorporated, G. E. Houghton Mfg. Corp., G. & H. Gittelmacher, Inc., G. L. Reichhelm Laboratory, Inc., Galassi Marble and Slate Co., Inc., G. & M. Stores, Inc., Gale Pharmacal Co., Gamma Phi Fraternity, Incorporated, G. & S. Leather Clothing Co., Inc., G. Siahos & Co., G. & W. Sauerkraut Co., Inc., Garrett & Agor, Inc., Garden of Allah Hotel, Inc., Ltd., Gathmann Ammunition Company, Garages Corporation, Gateway Coal Company, Inc., Garden City Company, Gardner Golf Games, Inc., Garfield Greylock Company, Gas Industry Laboratories, Inc., Garcia & Maggini Co., Ltd., Gas Products Corporation, Gas-Zip Laboratories, Inc., The, George A. Ley Co., The, German American Company, Inc., The, George A. Raker & Co., Inc., General Advertising and Service Corporation, Dallas,

PROCLAMATIONS

Texas, General Aeronautics Corporation, General Bronze Company, General Chemical & Solvents, Inc., George C. Meyer Home Improvement Corporation, General Colloidal Phosphate Corporation, General Chemical Products Corporation, General Confection Corporation, Gerbo Corporation, General Cab Company, Genesco Corporation, The, General Distributors Corporation, General Door Operator Corporation, General Dry Kiln Company, General Engineering Foundation, Incorporated, General Engineering Laboratories, Inc., General Fiscal Foundation, Incorporated, General Floors, Inc., George F. Reichman & Co., General Foundation, Incorporated, Georgia Farms Corporation, George F. Bennett, Inc., General Fruit and Produce Corporation, General Food Products Corporation, Inc., General Foundries Corporation, Gerard's Greater Shows, Inc., Geological-Geophysical Explorations, Inc., General Gas Corporation, General Hydro Carbon Corporation, General Industrial Foundation, Incorporated, General Industries, Inc., Genesee Investment Corporation, General Investment Company, General Luggage Corporation, General Lease and Royalties Corporation, General Lighting Fixture Co. of Delaware, General Laundry Machinery Corporation of Texas, General Mining Foundation, Incorporated, George M. Forman Securities Company, General Management and Holding Corporation, General Machine Corporation, General Municipal Securities Corporation, General Management Shares, Inc., Geneva-Mutual Corporation, General Manganese Corporation, General Motor Fuel Corporation, General Metals Company, Inc., Gettman Motor Company, General Natural Gas Corporation, General Organization Company of Delaware, General Operating Co., Inc., Gebbie Products Corporation, General Petroleum Foundation, Incorporated, General Patents Corporation, General Royalty Shares Corporation, General Recreations Corporation, General Restaurant Supply Association, General Royalties, Inc., General Research Corporation of America, General Roofing Co., Inc., General Railway Coupler Corporation, General Royalty Corporation, General Service System, Inc., General Sanitary Corporation, George Steiner, Inc., General Sales & Finance Corporation, General Securities Finance Company, Gene Stratton-Porter, Inc., General Textile Corporation, General Taxicab Owners Protective Association, Inc., General Telephone Company, General Telephone Utilities Company, General Utilities Company, The, General Utility Service Corporation, Geo. W. Lef-

PROCLAMATIONS

ferts & Co., Incorporated, Gibraltar Coal Mining Company, Gibraltar Investing Corporation, Gidley Spurgeon Exploiting Co., Giant Tire and Rubber Company, The, Gilbertson Botanical Gardens, Inc., Gillican-Chipley Sales Company, Gilman and Thomas, Inc., Glass Casket Funeral Homes, Inc., Gleaner Combine Harvester Corporation, Globe Detective Service, Inc., Glass Finance Corporation, Glo-gauer & Jones Corporation, Globe Mortgage Company, Globe Trotter, Inc., The, Globe Type Foundry, Inc., Godissart, Inc., Goddard, Stevenson & Co., Gold Bond Corporation, Golf Construction Co., Inc., Golfada Company, Gold Holdings, Inc., Gold Hill Consolidated Mining Company, Goldwyn Holding Company, Gold Oil Co., of Okla., Goldenrod Publishing Company, The, Golden Rule Publicity Corporation, Golden Wings Aviation Corporation, Goodwin Brothers, Incorporated, Gotham Apparel, Inc., Gordon Beverages, Incorporated, Gotham Corporation, Gould's Furs, Inc., Goss Investment Company, The, Gordan Oil Company, The, Gramon Apartments, Inc., Graham Rim & Wheel Co., Grand Central Valet Service, Inc., Granton Chemical Company, Grape Capsule Company, Grant Engineering Corporation, Gray Eagle Association, Inc., Grants, Inc., Gratiot Petroleum and Development Corporation, Graphic Signs, Inc., Gray Service Company, Grand Trunk Terminal Warehouse Co., Grand Theatre Corporation, Grant Valet Service Company, Grand View Memorial Holding Company, Great Bend Oil & Gas Company, Greenebaum Corporation, The, Greater Detroit Realty and Improvement Company, Great Falls Bridge Company, Green-Graham Company, Incorporated, The, Greenway Gas Unit Mfg. Co., Inc., Greens Hotel Operating Co., Great Lakes Investment Company, Great Lakes Construction Service, Inc., Greenville Motor Company, Inc., Gresser Manufacturing Company, Green-Mead, Inc., Great Pacific Western Corporation, Greenacres Properties Company, Greater St. Louis Finance Company, Great Western Lumber Co., Great Willow Realty Co., Grey Eagle Mining Company, The, Greylock Investment Co., Grillbortzer Floral Co., Group Investment Shares, Incorporated, Growers Sales Corporation of America, The, Guarantee Appraisal and Purchase Co., Gulf Cities Gas Company, Inc., Guaranty Corporation, Gudize Corporation, Guatemala Engineering & Development Corporation, Gulfport Hotel Corporation, Guaranteed Income Finance Corporation, Guardian Loan & Savings Company, Guaranteed Mortgage Investment Com-

PROCLAMATIONS

pany, The, Guatemala-Mahogany Hardwood Co., Inc., Guaranteed Products, Inc., Guardian Plan, Inc., The, Gull Petroleum Corporation, Guardian Royalty Corporation, Gulf Royalties, Incorporated, Guaranteed Reserve System, Inc., The, Guardian Separator and Oil Tool Co., Ltd., Guaranteed Saving Loan Corporation, Inc., The, Guerin Theatre Seating System, Inc., Guaranty Underwriters Corporation, Guantanamo Water Corporation.

H. A. Stahl Properties Company, The, H. C. Fleming Motor Company, H. C. Felver Company, H. D. Patterson Company, H. E. Geyer Company, H. F. Sawyer and Son, Inc., H. G. Kearney Oil Co., Inc., H. Grieve & Company, Inc., H. H. Montis & Company, Inc., H. H. Cable Company, Inc., H. J. Gildred Company, H. & J Securities Company, H. J. Edwards, Inc., H. Kurtzman & Son Co., H. K. Weed & Co., Incorporated, H. Kandel and Company, H. L. Zimmerman and Company, H. L. Tucker Coal Company, H. Mahler's Son Corporation, H. M. Paschall, Inc., H. O. Stone & Co., H. O. Stone Securities Co., H. O. Stone Investment Co., H. O. Stone Assets Co., H. P. Schmeck, Inc., H. Street Valet Service, Inc., H. T. Booth & Co., Inc., H. V. F. Price Corporation, Hain Management Corporation, The, Hall & Briscoe Oil & Royalty Company of Delaware, Halverson Manufacturing Company, Hall Motor Company of Delaware, Hambleton Bobbin Co., Inc., Hammon Copper Company, Ltd., Hammond Engineering Company, Hamilton Furnace Company, Hampton Hall Company, Hamilton Hall, Inc., Hammond Motors, Inc., Hammel Products Corporation, Hampton Springs Improvement Company, Handy-Candy Company, The, Hanson & Company, Hanover Oil & Refining Company, Inc., Happy-Smile Sales & Mfg. Co., Harold G. Kohen, Incorporated, Harmercool Holding Corporation, Hargrove Hardware Company, Inc., Hardin Oil Company, Harry B. Dasler, Inc., Harry Copping Shows, Inc., Harry C. Finley, Inc., Harrison Corporation, The, Harriscolor Films, Inc., Harry H. Polk & Company, Incorporated, Harrisons Orange Fountains, Inc., Harrison's Orange Huts, Inc., Harper Oil Company, Harris-Steele, Incorporated, Harvey Hotel Corporation, Harveys Ice Cream Company, The, Hartt Petroleum Company, Hart-Parr Company, Have-A-Heart, Inc., Hawthorne Chemical Company, Hauger Clothing Co., The, Haven Methodist Episcopal Church, Incorporated, Haverford Pharmacy, Inc., The, Hatvani

PROCLAMATIONS

Spring Tire Manufacturing Company, The, Hay-Adams Corporation, Hawthorne Consumers-Credit Finance Co., Hayden Plan Company, Heany Auto Transmission Company, Heating and Appliance Corporation, Heating Equipment Corporation, Heat Engineers, Inc., Heaney Home Appliance Co., Health Institute, Inc., Hecla Roofing Co., Inc., Heart Supply Company, Ltd., Hedger Transportation Corporation, Heat Utilities Corporation, Heinrich Chemical Company, Hellmig & Garrett, Inc., Heintz Merkle & Co., Hemlock Photo Corporation, Hellmuth Steel Container Company, Henry B. Burns & Co., Henion Corporation, The, Henter Corporation, The, Henry Grady Realty Corporation, Henry H. Farley, Inc., Henderson & Hatcher, Incorporated, Henderson, Kentucky, Bridge Company, Henshaw Oil Corporation, Henderson Plantation Company, Henderson Tire & Rubber Company, Herbert Company, The, Herington Gas & Service Company, The, Herron Hill Amusement Co., Heermann's Inc., Herb Products Corporation of Jackson, Tennessee, Hersam & Sherwood, Inc., Highway Cabinet Guide Corporation, Hibbard Cabinets, Inc., Higgins Enterprises, Inc., Hidden Gold Mining Company, Inc., Hi-G-Nik Appliances, Incorporated, Hickson, Inc. (Washington, D. C.), Hiawatha Milling Company, Highland Restaurant, Inc., Hickok Sales Corporation, Hi-Test Gas & Oil Company, Inc., Hibbs-Worth Laboratories, Inc., Himeles Cleaning & Dyeing Company, Hill Engineering Company, Hillsboro Gas & Service Company, The, Hiller Hosiery Mills, Inc., Hildebrand Pictures, Inc., Hillcrest Silver Black Fox Ranch, Inc., Historical Coach Models, Inc., Historical Society of Delaware, The, Hochstetter Research Service Co., Hoffman-Jones Supply Company, Hogan Lumber Company, Hoffman Lock & Hardware Mfg. Co., Inc., Hoffer Oil Corporation, Hofmann-Sproul Company, Hollywood Dance and Music Studios, Inc., Holly Fluorspar Co., The, Hollywood Medical Dental Bldg., Inc., Hollywood Mercantile Building Company, Ltd., Holland Products Company, Holding Securities Corporation, Hollywood Theatre, Inc., Hollycroft Transportation Company, The, Holmes Jordan, Incorporated, Holmhaven-On-The-Gulf, Inc., Hooper Aircraft Corporation, Home Builders Acceptance Corporation, Home Budget Bank Corporation, Home Builders Operating Corporation, Honduras Coffee Company, Inc., Home Engineering Corporation, Home Founders of Carolina, (Inc.), Hoover Field Airlines, Inc., Hopkins Finance

PROCLAMATIONS

Corporation, Home Finance Corporation, Honduras General Foundation, Incorporated, Home Gas Producer Corporation, Hopwood Investment Company, Home Lumber and Supply Company, Honduras Lumber Company, Home and Overseas Company, Inc., Home Oil Company of Greenville, Ohio, The, Home Owners' Institute, Inc., Hopkins Petroleum Corporation, Honduras Popular Stores Company, Home Securities and Investment Company, Home Service Stores, Inc., Horner & Company, Horn & Hardart Automat Co., of Illinois, Hornaday Land & Ranch Company, Hotel Acceptance Corporation, "Housit" Electric Anchor, Incorporated, Houston Farms, Inc., Hotel Graemere, Inc., Hotel and Institutional Mart, Incorporated, Hondaille Products Corporation, The, House of Scott, Inc., Hovey Timber Corporation, The, Howard C. Beck and Company, Incorporated, Howlett-Davis Co., The, Howard Finance Co., Howard K. Heath-A Irving Smith, Inc., Howard & Patro Motor Co., Hudson Bay Fur Farms, Inc., Hudson County Tire Company, Inc., Hudson Dougherty Company, Hudson Investors Corporation, Humidifier Corporation, The, Humidette Corporation, The, Humphreys-Colliton Company, Humpty-Dumpty Stoop-No-More, Stores, Inc., Hugenot Financial Corporation, Huganir Lumber Company, Humbolt Sulphur Company, Hurley-Bernard Advertising Company, Inc., Huntington Flying Service, Inc., Hunsaker Finance Company, Hydrocarbon Company, The, Hygeia Corporation of America, Hydro-Drive Corporation, Hydraulic Fishing Co., Inc., Hy-G-Nik Sales Corporation, Hutchinson Holding Company, Hydrocarbon Hydrogenating Corporation, Hy-Ton Ink Company.

Ideal Commerical Company, Illingworth Carbonized Coals, Inc., Ilson's Children's Stores, Inc., Imperial Dye Works, Incorporated, Illinois Farmer Co., I. Ferrero, Inc., Illinois-Kansas Natural Gas Co., Imperial Manufacturing Company, It No-Mor Laboratories, Inc., Imperial Oil and Gas Co., Imperial Propertes Corporation, Import Products Company, Inc., Improved Products, Corporation, Icebound Products, Incorporated, Imperial Remedies, Inc., Il Trentino Publishing Company, Illinois United Corporation, Idlewild-Woodland, Inc., Income Analysts, Incorporated, Inspirational Artistes, Inc., Independent Brass Manufacturing Company, Inc., Industrial Banking System, Inc., Insurol Company of America, Inc., The, Industrial Conservation Board, Inc., Independent Card

PROCLAMATIONS

Corporation, Industrial Credit Corporation, Industrial Digest Stock Market Service, Inc., Industrial Developers, Inc., Independent Engineering Company, Indian Exploration Company, Industrial Engineering Corporation, Inland Empire Contractors, Inc., Industrial Enterprises, Incorporated, Industrial Farming Company, Industrial & Financial Corporation of Argentine, Industrial Holding Corporation, Inland Investment Corp. of California, Industrial Loan & Finance Company, Incorporated, Independent Merchandising Corporation, Industrial Merchandising Corporation, Industrial Metals Corporation, Independent Navigation Company, Income Properties of California, Inc., Industrial Power Company, Informer Publishing Company, The, Income Properties Holding Corporation, Industrial Social Civic Association of Light, Labor and Liberty, Inc., The, Insurance Securities Corporation, Industrial Sugar Products Corporation, Independence Thrift Bond Corporation, Inland Traffic Director, Inc., Independent Traders, Incorporated, The, Inland Water Transport Co., Ltd., International Airways Corporation, International Alliance Corporation, Investment Administration Corporation, International Associates, Inc., Interstate Air Transportation, Inc., International Baseball Corporation, International Bag Exchange & Jute Terminal, Inc., Interstate Bond and Mortgage Company, Investment Corporation of America, Internal Combustion Boiler Corporation, International Camera Company, Inc., International Carbon Company of America, International Colonization Corporation, International Creditors Collection Association, International Cremello Company, Inc., Interstate Cine-Car Corporation, Inter-Continental Film Laboratories, Inc., International Chemical, Inc., International Concrete-Industries Corporation, Inter-City Motors, Inc., International Chemical and Minerals Corporation, Investing Corporation of New York, The, International Club Pictures, Incorporated, International Cities Sanitation Service, Inc., Investment Company of The South, Inc., International Denture Corporation, Investors, Discount Co., Interstate Distributors, Inc., International Educational Association, International Electrical Appliance Corporation, Interstate Exploration Company, International Federation of Aeronautics Incorporated, The, International Fuel Development Company, Inc., International Factories, Inc., International Fruit & Produce Co., International Financial & Securities Corporation, International Fruit and Steamship Corporation, Interstate Finance Sys-

PROCLAMATIONS

tem, Inc., Interstate Gas Company, International Gas and Distillation Company, International Gas & Electric Corporation, International General Foundation, Incorporated, International Hydrocarbon Corporation, Interstate Hotel Corporation, Investment Holdings, Inc., International Hemp Manufacturers, Inc., International Insurance, Inc., International Investment Incorporating Service, Incorporated, Integrity Lumber Company, International Manufacturing Company, Inc., Interstate Mortgage Corporation, International Macaroni Manufacturing Company, Investors National Corporation, International Navigraph, Inc., Inter-Ocean Aviation Corporation, Interocean Oil Company, International Occult Society of Adepts and Philosophers, The, Intercoast Properties Corporation, The, International Patents Corporation, International Probate Directory Co., The, International Peltries, Inc., International Plantations, Inc., International Resource Corporation, Investments and Realty Corporation, Interstate Restaurants, Inc., Integrity Securities Corporation, Intercontinental Securities Corporation, International Sales Company, International Stadium Corporation, International Supreme Council of Metaphysicians, Inc., Investment Securities Company of Texas, Investment Securities Corporation of Illinois, Investment Shares Company, International Sanitation Engineers, Inc., International School of Midwifery, Incorporated, International Steel-Reform Syndicate, Inc., International Sales Service Corporation, International Transportation Association, International Telepost Company, Inc., Investors Telephone Company, Investors Trust Company, International Trade Press, Inc., Interior Telephone Securities Company, International Tom Thumb Golf Corporation, Investors Utility Corporation, Intercoast Utilities, Incorporated, Issoudun Aviation Corporation, Issoudun Aircraft Manufacturing Corporation, Italian American Securities Corporation, Italian Bond and Share Corporation, Isuan Corporation, The, Iroline Company of America, The, Iverson Camps, Incorporated, Ironclad Roofing Company, Ira F. Link & Co., Ironclad, Inc., Iverson, Incorporated, Italian Investment Corporation, Iodophos Laboratories, Inc., Irene Lu Mines, Inc., Issoudun Mid-City Airport Corporation, Issoudun Mid-City Flying Service Corporation, Ithaca Metal Weatherstrip Co., Inc., Ira N. Ellis Tank Company, Island Oil Marketing Corp., Issari Realty & Investment Association, The Issoudun Sales Corporation, Italian Star Line, Inc., Isle of Wight Corporation

PROCLAMATIONS

J. Albert Odell Corporation of Pittsburgh, Pa., J. A. K. Oil Company, The, J. A. Land and Cattle Company, Jacobs Automatic Aircraft Stations, Inc., Jarvaise Academy of Beauty Culture, Inc., J. Benson Thomas Company, Javonog Company, The Jarratt Corporation, The, J. C. Reilly and Company, Inc., The, J. C. Sheets, Inc., J. D. Knight Co., Inc., J. D. Sisler Co., J. D. Thompson Company, J. F. McManmon and Company, Jackson-Graves, Inc., James H. Fuller Trading Corporation, James Harlan Corporation, Jack Hoxie Sunshine Ranch and Pictures, Inc., Jack Hoxie Company, Inc., The, Jajac Holding Corporation, Jam Handy Theatregram Corporation, J. H. Stannard Lumber Co., Jacob H. Brodsky & Son, Incorporated, J. H. Lavery's Sons, Incorporated, James L. Mitchell Company, The, Jackson Lake Estates, Inc., The, J. L. Allen Grain Company, Inc., J. L. Mott Company, Inc., J. M. Thomson, Inc., Jalisco Mining Company, James Otis Steamship Corporation, J. O. Heinze Cultivating Tractor Corporation, J. Phillips Dykes, Inc., Jayhawk Producing & Refining Company, The, Jayhawk Petroleum Corporation, The, J. P. Cranston Lumber Co., Jackson Printing Company, J. R. Hanna & Son, Inc., Jack Rabbit Stage Lines, Inc., James Stewart & Son, Inc., Jarvaise Sales Company, J. W. Dyer Corporation, Jenkintown Bowling Recreation Company, Inc., Jennings Corporation, The, Jesse C. Dougherty, Inc., Jiffiseat Germent Manufacturing Company, Jefferson Hotel Corporation, Jiminy Holding Corporation, Jellilax Products, Inc., Jefferson Lodge Number Two of the I. O. O. F. of the State of Delaware, Jersey Oil Corporation, Jentel Products Company, Jiminy Stores Corporation, Jewish Tribune Corporation, Joe B. Brumby Co., Inc. John C. Fell & Company, Incorporated, John C. Kuck & Company, John E. Cain Corporation, John G. Stevenson Co., Inc., John G. Garruth & Co., Endurance Mills, Inc., John J. McGrath Company, John Jay Steamship Corporation, Jobosi Mines Corporation, John Martin Lumber Company, John McCann, Incorporated, John M. Cooper Company, Incorporated Johnstown Restaurant Company, John R. Walker Investment Trust, Inc., Jolly Roger, Incorporated, Jobbers Specialty Manufacturing Company, John S. Mitchell & Co., Joel Stockard & Co., John Van Realty Company, The, John V. Ornell Manufacturing Company, Inc., The, John Wagner, Inc., Johnson Wrench Company, Inc., Joseph A. Trainor, Inc., Joseph A. Cunningham, Inc., Joseph C. Orrison, Incorporated, Joseph Edward Company, Incorporated,

PROCLAMATIONS

Joseph Meyer's Asbestos Products & Specialties Corporation, Joyce North & Company, Jones Remedies, Incorporated, Jones Securities Corporation, Junior Collapsible Tap and Tool Company, Inc., Just-right Canning Company, Junior Equity Corporation Justice-Hawley Company, Inc., Julius Lichter & Co., Inc., Jutus R. Rodgers, Incorporated, Julius Shanedling Investment Co.

K. B. More Corporation, Kalograph Corporation of America, K. D. Y. Automobile Association, Incorporated, K. E. Securities Corporation, Kampfmuller Medicine Company, The, Kalikans Oil Company, Inc., Kalite Products Corporation, Kalikman Paper Box Co., Kappa Alpha Alumni Corporation, Kay Bee Manufacturing Company, Kansas-Colorado Grain Warehouse Corporation, Kathart Corporation, Karvar Corporation, The, Kathleen Court, Inc., Kansas City Grain Shocker Company, Kansas Gas Utilities Corporation, Karbrite, Inc., Kato Manufacturing Company, Kansoma Mining Company, Kan-O-Tex Royalty Corporation, Katz Painting and Decoration Co., Inc., Kay Securities Corporation, Kant Skid Chain Company, Inc., Karg Tire & Rubber Co., Kaw Valley Gas & Service Company, The, Kellan General Advertising Corporation, Kelso National Mining Corporation, Kelly Spline & Watkins, Inc., Kentucky Du-Rock Corporation, Kenten Exploration Company, Kennel & Entwisle, Inc., Kent-Fisher, Inc., Kentucky Financial Service Corporation, Kent Garage Investing Corporation, Kent International, Inc., Kensington Loan and Storage Co., Kent-Marshall Company, Kensington Recreation Centre, Inc., Kentucky Refrigerating Company, Kennett Sales Company, Inc., Keyes Advertising Corporation, Keystone Contracting Company, Kerrigan & Co., Inc., Keystone Distributing Company, Keystone Hot Creek Mining Company, Keystone Oil and Gas Corporation, Keystone Ocher and Clay Company, Keystone Pure Oil Corporation, Keystone Thermotite Company, Keystone Welding & Engineering Company, Keystone Water Works and Electric Corporation, Kiddyseat Company, Inc., King Auto Polish Mfg. Co., The, Kinodrome Club, Incorporated, Kingsley Investors Service, Inc., The, Kirk Johnson Motor Car Company, Incorporated, King Korn Corporation, King Pin Bowling Alleys, Incorporated, King and Perry, Inc., Kingsbury Pale Corporation, King's Restaurant, Incorporated, Knights of the Guiding Star, Inc., Knoxville Investment Corporation, Knu-Kola Distributing

PROCLAMATIONS

Company Knickerbocker National Corporation, Knox Realty Company, Knickerbocker Royalty Corporation, Ko-Fan, Inc., Kool Air Corporation of Texas, Koranite Corporation, Korreect Motor Oil Service. Inc., Krigger & Co., Inc., Kraft Engineering Corporation, Kramer, Inc., Krispy-Krets Baking Company, Krome Marble Holding Corporation, Kulair Corporation, Kumac Manufacturing, Inc., Kurtz Mutual Association, The.

Lafayette Air Motors Corporation, L'Aide, Incorporated, Lady Andres Products Corporation, The, Lake Aleshanee Estates, Inc., Lake Arline Steamship Company, L. C. Prichard, Inc., L. C. Harrison Petroleum Co., L. & G. Food Products Corporation, Lakehurst Holding Corporation, Lakewood Investing Corporation, L. J. Bartlett, Inc., L. K. Meek Investment Corporation, L. L. Davis-Cleary Company, La Lysine Fornari International American Corporation, L. L. Davis Company of California, L. M. Berberian Corporation, Lady MacKenzie Film Corporation, La Proveedora, Incorporated, Lafferty Plan, Inc., The, Lafarge Products Company, Lake Region Chevrolet Company, Inc., L. Stein & Co., Inc., LaSalle Amusement Company, La Salle Petroleum Company, Lake Shore Land Company, The, La Texana Mining Company, La Victor, Inc., Lake View Consumers-Credit Finance Co., La-Ward Dairy Company, Lambrecht Kelly Company, Lambros Sea Food Restaurant, Incorporated, Lansdale Company, Incorporated, The, Lancaster Daily Republican, Inc., The, Land & Royalty Corporation, The, Lane Safety Signal Co., Inc., Langwith Publishing Company, Langley Wright & Company, Lapin, Inc., Larson & McLaren, Inc., Larner Securities Corporation, Latamerica Corporation, Lasley Engineering Company, Latonians, Inc., Latham Oil Products Corporation, Laskaris Realty Realty Company, Lathbury Ship Supply Company, Lavina Building Corporation Limited, Lauderdale County Cotton Oil Co., Lavaca Gas and Oil Company, Laurel Heights Apartment, Inc., Laurel Oil & Refining Co., Laurel Theatre Corporation, Lawson Health Culture Institute, Inc., Law Service Syndicate, Le-Barr Sand & Gravel Co., Lebanon Co., The, Leavell & Company, Leading Foods, Inc., of Indianapolis, LeNoir Gold Mines Corporation, Leader Publishing Company, The, Lebanon Springs Enterprises, Inc., Lebanon Tractor Corporation, Leavenworth Timber Corporation, Lee, Kenngott & Company, Incorporated, Lee

PROCLAMATIONS

Medicine Corporation, Leechburg Manufacturing Co., Inc., Leedy Mortgage Company, Leite and Company, Incorporated, LeGar, Inc., Legal Service Corporation, Leonard Holding Company, Leoffler System, Inc., The, Leonard Stone, Inc., Lester Harding & Company, Inc., Lift-A-Kar Corporation, Liberty Corporation, The, Liberty Electric Corporation Liberty Finance Corporation, Lighting Fixture Corporation, Liberty Film Corporation, Life Income Plan, Inc., Liberty Industrial Bankers, Inc., Lieser-Rochmill Production Company, Lincoln Candy Corporation, Linn Company, The, Lindy Drug Co., Inc., Lincoln Furniture Stores, Incorporated, Lincoln Highways Supply Company, Lincoln Mortgage Company, Lincoln Park Amusement Company, Lincoln Properties Company, Lincoln Safety Window Corporation, Limited Securities Corporation, Liquid Air Corporation Liquid Dehydration Corporation, Liteweight Fitrite Artificial Limb Co., Litmere Finance Corporation,, Llewellyn Hotel Corporation, Littlefield Mines and Metals Corporation, Litchfield Motors, Incorporated, Livingston Mines Corporation, The, Lloyd's Personal Protection Service, Inc., Little Russia, Inc., The, Listed Securities Corporation, Locust Corporation, The, Locomobile Company of Pennsylvania, Inc., Logan Electrical Appliances, Inc., Lookout Club, Inc., Loring Farnsworth, Inc., Lorain Icer Company, The, Longwood Incorporated Florida, Longcope & Landman Company, London Luggage Shops, Inc., Lookout Mountain Land Company, Incorporated, Longhorn Park, Inc., The, Lone Star Leasing Company, Longhart Supply Co., Longlife Wood & Asbestos Corporation Los Arroyos Plantation Corporation, Los Angeles Portland Cement Co., Louis Benjamin Company, Loughhead Brothers Aircraft Corporation, Ltd., Lost and Found Land Co., The, Louis Ginsburg Co., Louisiana Holding Company, Loughran Investment Company, Loud Mining Corporation, Louis Mark Shoes, Inc., Louisiana Natural Gas Corporation Lotus Products Corporation, Louisiana Signal Corporation, Louis Sabrook, Inc., Lund Co., Luft Distributing Company, Inc., Lucerene Fuel Corporation, Luxor Gold Mining Corporation, Luminous Gas & Electric Company, Lucey Manufacturing Corporation of Mexico, Lund-Nordal Company, Lucid Oil Corporation, Luxor Oil and Gas Co., Ltd., Luffa Products Corporation, Lumas Realty Corporation, Lynn Apartment Corporation, Lyons Cab Company, Lyndol L. Young & Co., Lynford Travel Bureau, Inc.

PROCLAMATIONS

Machintosh Advertising-Selling Service, Inc., M. B. Radiator Filter Co., M. C. Barnett, Incorporated, Mac Deb Drilling Com-
M. D. Green, Inc., M. G. Mellott Fur Farm, Inc., M. H. Bresette
X-Ray Company, MacKintosh & Mason Corporation, Mac Pherson
Oil Company, Babe Patents Corporation, M. & R. Realty Company,
Ma-Stud Corporation, The, MacTile Royalty Corporation, Mack
Trading Corporation, M. & W. Coal & Lime Co., The, Madac Cor-
poration, Maejoe Corporation, Magoffin Corporation, The, Mag-
nolia Coal Corporation, Magutz Holding Corporation, Magazines,
Inc., Magnesite Mining & Manufacturing Company, Magee-Pfeiffer
Company, Magnetic Ray Corporation, Magdalena Syndicate, Magic
Tunnel, Inc., Magic Way Gas Heating Appliances, Inc., Majestic
Automatic Amusement Corporation, Major Aircraft Corporation,
Main Bus Terminal Corporation, Maiatico Construction Company,
Maklot Corporation, Main Line Motor Parts Co., Inc., Malcolm
Arizona Gold Corporation, Malibu Development Company, Ltd.,
Mammoth Mica and Mineral Company, Incorporated, The, Mala-
testa and Matassino, Inc., Mallow Rapid Transit and Consolidated
Hotels Corporation, Manufacturers Distributing Corporation, Man-
hattan Holding Corporation, Manor Investing Corporation, Man-
agement, Inc., Maple Leaf Royalty Corporation, Maple Leaf Cor-
poration, Manu-Metal Company, The, Manufacturers National Ex-
hibition, Inc., Management Operators, Incorporated, Manufacturers
Research Corporation, Managaing Shares Corporation, Manufac-
turers' Service Corporation of American, Mandel Shoes, Ltd., Man-
hattan Towers Hotel Operating Corporation of Delaware, Manu-
facturers Underwriting Company, Marine Associates, Inc., Mar-
garet Brainard, Inc., Margerison-Binns Co., Marion Gas & Service
Company, The, Marinette Investment Company, Marbet Investing,
Corporation, Marcum Oil Company, Maritime Oil Corporation,
Marego Railway Appliance Corporation, Marine Traders Corpora-
tion, Marconi Wireless Securities Co., Marshellene Cosmetic Com-
pany, Marquette-Easton Finance Corporation, Marshall-Girard
Amusement Company, Inc., Mark H. Brown Lumber Company,
Marlas Investment Company, Inc., Marshall & Moore Oil & Gas
Co., Inc., Marquette & Sixth Building Corporation, Marx Bens-
dorf, Inc., Maryland Commonwealth Realty Company, Mary Fraser
Candies, Inc., Martin Oil and Gas Company, Inc., Marvel Oil Com-
pany, Marti Radio Corporation, Maryland Small Loan and Invest-

PROCLAMATIONS

ment Company, Maselk Corporation, Master Manufacturing Company, Master Music Corporation of America, Master Motor Mechanics, Inc., Master Markets, Inc., Master Package Corporation, The, Matamoros Athletic and Amusement Corporation of Delaware, The, Match Corporation of America, Mate Importing Company, Mayo Bros., Inc., Mavis Coffee Company, Mausoleum Corporation, The, Maxwell Florists Company, Mayflower Hotel Co. of Ocean City, N. J., Inc., Mayfair Hotel System, Inc., Mayflower Land and Livestock Company, Incorporated, May Ray Sunlamp Corporation, Mayfair Service Corporation, Mattahoon Tribe, No. 11, Improved Order of Red Men, Incorporated, Mayflower Taxicab and Sight-seeing Service, Inc., May Way Metal Window Corporation, Meadow Brook Farms, Inc., Medical and Dental Research Service, Inc., Mechanical Devices Operating Corporation, Medical Finance Association of Washington, Mediterranean Holding Corporation, Mechanics Lodge No. 4 of the Independent Order of Odd Fellows of the State of Delaware, Meeker Manufacturing Company, Inc., Mecca Nut Company, Mechanical Vending Corporation, Mealy Wood, Inc., Mellon Markets, Inc., Memorial Mutual Service, Inc., Memphis Steel Securities Corporation, Merida Oil Corporation, Mercantile Securities Corporation, The, Mercantile Trading Company, Incorporated, The, Merchandise Trading Stamp Company, Merritt Auto Traffic Signal Company, Merrick & Longbottom, Inc., Merrill Super-Power System, Inc., Merrill System Construction Co., The, Metropolitan Building Company, Ltd., Methyl Corporation of America, Metropolitan Dairy Products, Inc., Metropolitan Garage Holding Corporation, Metal-Improvement, Inc., Metropolitan Investment and Securities Company, Metro Light Corporation, Metal Mold Casting Corporation Metal and Mining Founders Shares, Incorporated, Metropolitan Mortgage Company, Metropolitan Restaurant, Inc., Metal Vault Mausoleum Company, The, Mexican American Royalty Co., Mexican American Mines Corporation, Mexico Company, The, Mexia Development Corporation, Mexican Eastern and Pacific Railroad Company, The, Mexican Fuel and Iron Company, Mexmatch, Inc., Mexican Oil & Coal Company, Inc., The, Mexia Oil Co., Mexican Publications Development Corporation, Mexican Times Publishing Company, Inc., The, Middle Atlantic Transportation Company, The, Midland Asbestos Corporation, Mid America Corporation, Midwest Bond and Share Company, Michael Benjamin Com-

PROCLAMATIONS

Machintosh Advertising-Selling Service, Inc., M. B. Radiator Filter Co., M. C. Barnett, Incorporated, Mac Deb Drilling Com-
M. D. Green, Inc., M. G. Mellott Fur Farm, Inc., M. H. Bresette
X-Ray Company, MacKintosh & Mason Corporation, Mac Pherson
Oil Company, Babe Patents Corporation, M. & R. Realty Company,
Ma-Stud Corporation, The, MacTile Royalty Corporation, Mack
Trading Corporation, M. & W. Coal & Lime Co., The, Madac Cor-
poration, Maejoe Corporation, Magoffin Corporation, The, Mag-
nolia Coal Corporation, Magutz Holding Corporation, Magazines,
Inc., Magnesite Mining & Manufacturing Company, Magee-Pfeiffer
Company, Magnetic Ray Corporation, Magdalena Syndicate, Magic
Tunnel, Inc., Magic Way Gas Heating Appliances, Inc., Majestic
Automatic Amusement Corporation, Major Aircraft Corporation,
Main Bus Terminal Corporation, Maiatico Construction Company,
Maklot Corporation, Main Line Motor Parts Co., Inc., Malcolm
Arizona Gold Corporation, Malibu Development Company, Ltd.,
Mammoth Mica and Mineral Company, Incorporated, The, Mala-
testa and Matassino, Inc., Mallow Rapid Transit and Consolidated
Hotels Corporation, Manufacturers Distributing Corporation, Man-
hattan Holding Corporation, Manor Investing Corporation, Man-
agement, Inc., Maple Leaf Royalty Corporation, Maple Leaf Cor-
poration, Manu-Metal Company, The, Manufacturers National Ex-
hibition, Inc., Management Operators, Incorporated, Manufacturers
Research Corporation, Managaing Shares Corporation, Manufac-
turers' Service Corporation of American, Mandel Shoes, Ltd., Man-
hattan Towers Hotel Operating Corporation of Delaware, Manu-
facturers Underwriting Company, Marine Associates, Inc., Mar-
garet Brainard, Inc., Margerison-Binns Co., Marion Gas & Service
Company, The, Marinette Investment Company, Marbet Investing,
Corporation, Marcum Oil Company, Maritime Oil Corporation,
Marego Railway Appliance Corporation, Marine Traders Corpora-
tion, Marconi Wireless Securities Co., Marshellene Cosmetic Com-
pany, Marquette-Easton Finance Corporation, Marshall-Girard
Amusement Company, Inc., Mark H. Brown Lumber Company,
Marlas Investment Company, Inc., Marshall & Moore Oil & Gas
Co., Inc., Marquette & Sixth Building Corporation, Marx Bens-
dorf, Inc., Maryland Commonwealth Realty Company, Mary Fraser
Candies, Inc., Martin Oil and Gas Company, Inc., Marvel Oil Com-
pany, Marti Radio Corporation, Maryland Small Loan and Invest-

PROCLAMATIONS

ment Company, Maselk Corporation, Master Manufacturing Company, Master Music Corporation of America, Master Motor Mechanics, Inc., Master Markets, Inc., Master Package Corporation, The, Matamoros Athletic and Amusement Corporation of Delaware, The, Match Corporation of America, Mate Importing Company, Mayo Bros., Inc., Mavis Coffee Company, Mausoleum Corporation, The, Maxwell Florists Company, Mayflower Hotel Co. of Ocean City, N. J., Inc., Mayfair Hotel System, Inc., Mayflower Land and Livestock Company, Incorporated, May Ray Sunlamp Corporation, Mayfair Service Corporation, Mattahoon Tribe, No. 11, Improved Order of Red Men, Incorporated, Mayflower Taxicab and Sight-seeing Service, Inc., May Way Metal Window Corporation, Meadow Brook Farms, Inc., Medical and Dental Research Service, Inc., Mechanical Devices Operating Corporation, Medical Finance Association of Washington, Mediterranean Holding Corporation, Mechanics Lodge No. 4 of the Independent Order of Odd Fellows of the State of Delaware, Meeker Manufacturing Company, Inc., Meca Nut Company, Mechanical Vending Corporation, Mealy Wood, Inc., Mellon Markets, Inc., Memorial Mutual Service, Inc., Memphis Steel Securities Corporation, Merida Oil Corporation, Mercantile Securities Corporation, The, Mercantile Trading Company, Incorporated, The, Merchandise Trading Stamp Company, Merritt Auto Traffic Signal Company, Merrick & Longbottom, Inc., Merrill Super-Power System, Inc., Merrill System Construction Co., The, Metropolitan Building Company, Ltd., Methyl Corporation of America, Metropolitan Dairy Products, Inc., Metropolitan Garage Holding Corporation, Metal-Improvement, Inc., Metropolitan Investment and Securities Company, Metro Light Corporation, Metal Mold Casting Corporation Metal and Mining Founders Shares, Incorporated, Metropolitan Mortgage Company, Metropolitan Restaurant, Inc., Metal Vault Mausoleum Company, The, Mexican American Royalty Co., Mexican American Mines Corporation, Mexico Company, The, Mexia Development Corporation, Mexican Eastern and Pacific Railroad Company, The, Mexican Fuel and Iron Company, Mexmatch, Inc., Mexican Oil & Coal Company, Inc., The, Mexia Oil Co., Mexican Publications Development Corporation, Mexican Times Publishing Company, Inc., The, Middle Atlantic Transportation Company, The, Midland Asbestos Corporation, Mid America Corporation, Midwest Bond and Share Company, Michael Benjamin Com-

PROCLAMATIONS

pany, Inc., Mid-Continent Discount Corporation, Midwest Consolidated Utilities, Inc., Mid-Continental Shares Corporation, Midstates Coal Corporation, Midwest-Consumer-Credit Finance Co., Mid-Continent Holding Corporation, Mid-City Garage and Motor Supply Company, Mid-Continent Stores, Inc., Midwest Drilling Corporation, Mid-Continent Diversified Royalties, Inc., Mid Day, Inc., Midvale Gas Company, Midland Light & Power Co., Midland National Holding Corporation, Mid Penn Oil Company, Michigan Petroleum Company, Midwest Railway Ice Company, Midwest Steam Range Company, Middle States Bancshares, Inc., Middle States Natural Gas Company, Mid-State Investment Corporation, Middle States Power Company, Mid-West Investment Shares, Inc., Middle West Equity Corporation, Mid-Western Ores Company, Mid-West Investment Company, Mid-Western Royalties Co., Mid-West Carriers, Inc., Milbro Corporation, The, Milby & Dow Mercantile Company, Milestone Interstate Corporation, Mildred Lee, Inc., Milk Products Sales Company, Mill-Brook Stores, Inc., Miller Damron & Company, Millville Glass Products Corporation, Miller's Inc. of Delaware, Miller Smoked Fish Co., Inc., Millwork Sales Company of Washington, D. C., Milo Bar Bell Company, Inc., Milnite Wheel & Brake Service, Inc., Mine Appliances Company, Minnesota Calcium Carbonate Co., Mines To Consumers Coal and Coke Company of Delaware, Minnesota-Dixie Oil & Gas Company, Minerals Equipment Company, Minnesota Fur Producers Co., Minnetonka Farms, Inc., Miniature Golf and Real Estate Holding Corporation, Mina Grande Mining & Milling Co., Minneapolis General Investment Company, Minute Jelly, Inc., Mineral Mining and Power Company, Minnetonka Mills, Inc., Minsker Mutual Aid Association, Minnesota Petroleum Company, Minneapolis Properties Corporation, Mineral Research Society, Minnesota Southern Telephone Company, Mines Selection Co., Inc., Minimum Wage Association of United States, Miracle Fire Extinguisher Corporation, Miracleaners, Inc., Mission Corporation, The, Mississippi Laboratories, Inc., Mitchell Machine Company, Mississippi Mortgage & Bond Company, Mississippi Realty Company, Mississippi Valley Duck Farms, Inc., Mississippi Valley Iron Company, Missouri Valley Agricultural Credit Corporation, Mizpah Extension Company of Tonopah, Mixed Mortars Corporation of Washington, Modern Auto Body Works, Inc., Modern Developing Company, Incorporated, Modern Engi-

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neering Co., Modern Investment Co., Modern Map Company, Modern Repair Shop, Inc., Modern Sign Co., Inc., Mognett Citrus Development Corporation, Moline Gas and Service Company, The, Momand Theatres, Incorporated, Montana Acceptance, Inc., Mono Aircraft Corporation, Montreal-Colorado Gold Mining Corporation, Montana Carbon Black Corporation, Montana Coca-Cola Bottling Co., Montgomery County Coal Company, Monceaux Company, The, Montana & Dakota Grain Company, Monarch Oil and Gas Company, Montana Prince Mining Company, Monroe Production Company, Montezuma Queen Mining Company, Monarch Royalty Corporation of Oklahoma, A Delaware Corporation, Monarch Royalty Corporation of Louisiana, A Delaware Corporation, Monarch Royalty Corporation of Kansas, A Delaware Corporation, Monarch Royalty Corporation of Arkansas, A Delaware Corporation, Montgomery Steel Products and Supply Company, Inc., Monsch Safety Window Sales Corporation, Monmouth Trading Corporation, Montana Utilities Company, Montgomery Warehouse Company, Moody Gulch Oil Co., Ltd., Moore, Hull & Evans, Inc., Morapos Oil Corporation, Morgan-Elliott Corporation, Morrison Engineering Corporation, Morning Glory Mining and Smelting Company, Morgan-Hill Shale Brick Co., Morristown Lumber & Coal Co., Morgan Smelters, Inc., Morrison Trading Co., Inc., The, Morro Trading Corporation, Moro Valley Oil Co., Mortgage Finance Corporation of Harrisburg, Pa., Morton Progressive Company, Motors Building Corporation, Motorsign Corporation of America, Motor Exchange and Supply Company, Motors Finance Company of Pittsburgh, Motoramp Garages of America, Inc., Motol, Inc., Mothers' Journal Corporation, The, Motor Jack Corporation of America, Motor Mileage Corporation, Mt. Calvary Methodist Episcopal Church, The, Mt. Forrest Fur Farms of America, Incorporated, Mousley, Inc., Mountain Oil Corporation, The, Mountain Oil and Refining Company, Mrs. Schwartz's Miniature Soup Kitchens, Inc., Muir Book Shop, Inc., The, Mungan Roberts & Co., Multi-Brick Corporation, Multitex Corporation of America, Multi Products Corporation, The, Multiple Disc Brake Company, Inc., Mullin Securities Company, Inc., Multiplex Theatre Equipment Corporation, Municipal Holding Corporation, Munson Products Company, Municipal Public Service Corporation, Municipal Telephone and Utilities Company, Murphy Lumber Company, Inc., Musical Arts Guild, Inc., Music Box, Inc.,

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Murray Chevrolet Company, Muskrat Farms, Inc., Murray Hotel and Apartment Company, Muskogee Tyler Oil Corporation, Mutual Carbonic Corporation, Mutual Founders Corporation, Mutual Lumber Credit Corporation, Mystic Perfume Corporation, Mutual Press, Inc., Mutual Smoked Fish Company, Mutual Sales Corporation, Mutual Treated Lumber Corporation.

McAlester-Edwards Coal Company, McAvoy Northeast Company, McAdams Royalties Company, McCormick Bros., Inc., McCrae & Co., McCutchen Engineering Company, Inc., The, McCarron Lake Company, McCabe Steel Products, Inc., McCrae Securities Corporation, McDonald Coal Mining Company, McDonald Laboratories, Inc., McDonald Retread Tire Protector, Inc., The, McEverlast Corporation of America, Ltd., McGee Brothers, Incorporated, McIntyer Oil and Gas Company, McKendrie Gasgill and Company, McKibben Mining Company, McSherry Newspaper Corporation, The, McKeon Petroleum Corporation, Ltd., McLean Motor Service, Inc., McLean Stone Fixture Mfg. Corporation, The, McQuay Radiator Corporation, McShane Company, McVicker Rail Anchor Co.

N. Buckner & Son, Inc., N. C. Hines, Incorporated, Neighborhood Delicatessen, Inc., Nally Discount Company, The, Nancy Hatch, Inc., Nags Head Land and Development Company, Nani-boujon Holding Company, Nagel Mercantile Co., Inc., Naelo Oil Corporation, Naran Pure Food Company, Nash-American Products Corporation, Nash Patten Corporation, Nassau Publishers, Inc., The, Nassau Suffolk Financial Corporation, Nation's Capital Publishing Corporation, Natural Gas Utilities Corporation, Natural Gas and Pipeline Corporation, The, Natural Gas Investment, Inc., Natural Products Conversion Corporation, Natural Sound Amplifying System, Inc., National Assets Corporation, National Autohaven Company, National Air Fraternity, Inc., National Association of Full Fashioned Hosiery Workers Open Shop Division (Incorporated), National Airports, Inc., National Alliance Insurance Exchange, Inc., National Associates, Inc., National Automobile Inspection Corporation, National Airplane Lumber Company Incorporated, National Association of Real Estate Bond Exchange, National Aircraft Sales Corporation, National Association of Security Dealers, Inc., National Brands Company of America, National

PROCLAMATIONS

Bricklite Corporation, National Brands Fiscal Corporation, National Beverages Incorporated, National Bond & Savings Company, National Bankers Trust Company, National Concert Association, The, National Cantube Corporation, National Connector Corporation, National Cooperative Corporation, National Copper Corporation, National Club Hotels, Inc., National Copper Processing Company, National Copper Processing Company, National Cultural Products Corporation, National Cold Steam Company, National Copper and Smelting Company, The, National Citizens Trading Corporation, National City Trading Corporation, National Dealers Association, National Display Company, Incorporated, National Estates of America, Inc., National Electromatic Corporation, National Engineering Company, National Equities Corporation, National Financial Corporation, National Fluorspar Company, The, National Food Corporation, National Flower Distributors, Inc., National Flying Schools, Inc., National Fruit Service Corporation, Ltd., National Guarantee Auto Scrapping Company, National Gas & Carbon Black Company, National Golf Courses, Inc., National Groupshares Corporation, National Graphite Lubrication Company, National Gas Securities Company, National Gearless Transmission Company, National Golf Underwriters, Inc., National Harris Wire Co., Inc., National Institute of Business Education, Inc., National Industrial Discount Corporation, National Income System of Pennsylvania, Inc., National Investment Trust, Inc., National-Indiana Water Works Corporation, National Letter Guild, Inc., National Lignin Products Corporation, National Land & Realty Co., Inc., National Metal Abrasive Company, The, National Market Corporation, Washington, D. C., National Mining Corporation, National Mortgage Company of Harrisburg, Pa., National Meat Export Concession of Poland, Incorporated, National Mines Exploration Corporation, National Managers Holding Corporation, National Mortgage and Investment Corporation, National Manicuring Machine Company, Ltd., National Mica Minerals Co., The, National Motor Maintenance Corporation, National Motor Parts Company, National Motor Renting Co., National News Company, National Neon Products, Inc., National Outdoor Club, Inc., National Oil Royalty Corporation, National Park Chocolate Company, National Processing Co., Ltd., National Publishing Co., National Phone Holder Corporation, National Public Holding Company, National Postage Stamp Ma-

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chine Company, National Property Service Bureau, Inc., National Reproducer Company, National Real Estate Salvage Corporation, National Radio Society, Inc., National Service Bureau of New York, Inc., National Sales Corporation of America, The, National Savings Certificate Company, Inc., National Savings Certificate Finance Corporation, National Sealtag Company, National Share Corporation, National Stock Exchange of New York, Incorporated, National Slate Machine Company, National Speedway Refining Company, National Security Service, Inc., National Survey Service Securities Corporation, National Security & Trust Company, National Title Company, The, National Textile Company, National Tire Hospital, Inc., National Temperance League of America, Incorporated, The, National Thrift Loan Corporation, National Window Displays, Inc., National Water Works Corporation, Neal Grocery Company, The, Neal Mining Company, Nebraska Realty Company, Neases Sales Corporation, Nelson Awning Company, Inc., Nehi Bottling Company Incorporated of Washington, D. C., Neely-Conant, Incorporated, Nelson Products Company, Inc., The, Neighborhood Theatre Corporation, Nerco Cooler Corporation, Netherbyres Corporation, Nettles Grocery Company, Incorporated, Nespelem Mining Corporation, Neves Syndicate, Ltd., Nevada Silica Corporation, New Century Spring Corporation, New China, Inc., Newspaper Circulation Features, Inc., Newlong Corporation, New Centennial Garage, Inc., Newspaper Capital Corporation, New Coat Apron and Towel Supply Company, Inc., Newal Corporation, New England Oil Company, New Era Construction Corp., New Era Motors, Inc., New England Airship Co., The, New England Venezuela Company, New England Oil Steamship Company, New England Securities Company, New Idea Lunch, Inc., New Jersey Mineral Company, New Jersey Publishing Co., Inc., of Clifton, N. J., Newark Lumber & Coal Co., New Mexico Oil Corporation, New National Oil Company, New Pittsburgh Coal Company, Newport Supply Company, New South Mills, Inc., New York Accounting Service, Inc., New York Audio Laboratory, Incorporated, New York Butchers' Supply Co., Inc., New York Delicatessen Company, New York Fish Market, Inc., New York General Hospital Association, New York Grand Opera Company, Inc., The, New York Germanic Trading Company, Inc., New York Pacific Corporation, Ltd., New York Press, Inc., The, New York Zetex Company, Inc., Nicoton

PROCLAMATIONS

Corporation of America, Niagara Domestic Appliance Corporation, Niagara Investing Corporation, Niagara Mortgage Corporation, Niagara Royalty Corporation, The, Nitro Chemical Corporation, Nixon-Nirdlinger Company, Nimar Tung Oil Company, Noche Buena Mining Company, Nobego Company, Inc., The, NoGear-Shift Transmission Company, Nolan-Gas Holding Corporation, Non-Stuck Auto Tire Chain Company, Nordon Corporation, Norland Processers, Incorporated of Delaware, North American Investment Securities Corporation, North American Fruit Company, Inc., The, North American Radium Corporation, North American-Peru Corporation, North American Petroleum Corporation, North American Railroad Men's Association, North American Bond & Share Corporation, North American Industrial Loan Company of New Jersey, North American Water Works and Electric Corporation, North American Timber Holding Company, Northwestern Commercial Co., Northeastern Coal & Export Corporation, Northwest Diamond T. Truck Company, Northeastern Dairy Farms, Inc., Nortex Drilling and Development Company, Northern Exchange Corporation, Northern Fur Coat Manufacturing Co., Inc., Northwestern Finance Corporation of America, Northern Gas Utilities, Inc., Norton Gammell Chevrolet Company, Norton Jennings Buick Company, Northern Louisiana Gas & Utilities Co., Northeastern Mortgage Co., Inc., Northwestern Pure Food Company, North Penn Mining Company, Northwestern Power Company, Northwestern Pulp & Paper Company, The, Northland Radio Manufacturing Company, Northwest Securities Corporation, Northern States Financial Corporation, Northern States Petroleum Corp., Northern States Holding Company, Northern Tree Service, Inc., Northern Tie & Treating Company, Nossokoff's Beauty Culture & Barber School, Inc., Novelty Corporation of America, Novol Corporation, Ltd., Nutrodent Gum Company, Nu Grape Company of America, Nu-Way Hotel Co., Inc., Nu Icy, Inc., Nurses' League Corporation, Nypennoky Natural Gas Company, Number Nine Oil Corporation, Nuway Tool Corporation, Nu-Vim Appliance Company.

Oasis Acres Incorporated, O. J. Baied Engineering Laboratories, Inc., O-K Rim Corporation, Oak Manufacturing Co., O. M. Agency Corporation, O'Neal Construction Company, The, Oakland Roof Tile Company, Inc., O. Sheck & Company, Ocean City Hotel

PROCLAMATIONS

Corporation, Ocean Tide Motor & Power Co., Inc., Office Bros., Inc., Offset Development Company, Officinal Products, Inc., Oilochron Corporation of America, Oil Carburetor Corporation, Oklahoma Eastern Gas Utility Company, Oil Fertilizer Co., Inc., Ohio Grocers Specialty Co., Oil Heating Equipment Manufacturing Co., Oil Industries, Incorporated, Ltd., Ohio Manufacturing Company, The, Ohio Mid-Cities Corporation, Oklahoma Oil and Exploration Company, Ohio Petroleum Company, Oil State Petroleum Co., Ogle Shipping Company, Oil Station Engineering Company, Oil States Royalty Company, Okmulgee Theatre Company Incorporated of Oklahoma, Ohio Valley Utilities Company, Oil Well Patent Co., Inc., Oil Well Corporation, Old Bond and Mortgage Co., Old Dutch Realty Development Company, Old English Malted Milk Co., Inc., Olney Lumber Company, Old National Corporation, Old Orchard Holding Corporation, Olean Oil Operators, Incorporated, Old Pyramid Cement Company, Old Spanish Fort Development Co., The, Omaha Rubber Co., The, Old Straight Creek Coal Corporation, Old Town Hall Association, Old Town Mortgage Company, Old Witch Company, Inc., The, Optical Industries Corporation, Onyx Mills Corporation, Operators Oil Company, Optical Projector Corporation, Operative Plasterers' International Association No. 38, The, Oneida Quarries Corporation, Operators Royalty and Producing Company, 1930 Provident Corporation, 1701 Locust Hotel Co., Organization Bureau, Inc., Oregon Crater Corporation, Orange Elixir, Incorporated, Oral E. Decamp, Inc., Orange Julius Stores Company, Organization-Maintenance, Inc., Ormiston Press, Inc., Orthodietetic Restaurants and Health Resorts Co., Inc., Ortho-Tone Corporation of America, Oriental Theatres Circuit, Inc., Osage Holding Company, Oscar R. Howard Company, Otis Garage, Inc., Otero Mining Company, Ott Mergenthaler Company, Otisco Mining Company, Overland Aircraft Corporation, Overland Air Lines, Inc., Ovington & Co., Incorporated, Overseas Capital Corporation, Owl Development Company, Owens Filtering Funnel, Incorporated, The, Owners Land Value Security Co., Owners Mutual Tire Factories, Inc., Owenwood Oil Corporation, Ozark Plateau Gas Company, Oxford Radio Corporation.

Pacific Brotherhood Investment Company, The, Pacific Coast Uniform Co., Ltd., Pacific Coast Products League, Inc., P. & C.

PROCLAMATIONS

Company, Inc., Pacific Coast Air Lines, Inc., Pacific Exploration Company, P. F. Gordon, Inc., Pacific Gold Placer Company, P. H. Kelly & Sons Co., Inc., P. J. Minck and Co., Pacific Molybdenum Mines, Inc., The, P. Rudovsky and Company, Pacific Refrigerating and Transit Corporation, Pacific Southwest Hardwood Company, Pacific-Southwest Loan & Mortgage Corporation, Pacific Spruce Corporation, Pacific States Securities Company, Paket Alloys, Inc., Pan American Frozen Products, Inc., Pan American Tile & Stone Mfgs., Inc., Pan American Fisheries, Ltd., Pan American Manganese Mining Corporation, Pan-American Share, Inc., Palmer and Company, Pann Petroleum Corporation, Palmyrs Pretzel Company, Inc., Palais Royal Stores, Inc., Panhandle Sand and Gravel Co., Palmer School, Inc., Partshares Corporation, Palace Valet Service, Inc., Parker & Company, Parkinson & Company, Parke-Davis Real Estate Co., Paramount Dairy Company, Participating Equities, Inc., Parsons Electric Service Company, Inc., Parkside Finance Association, Participating Investment Corporation, Ltd., Parish Investment Company, Paradise Nurseries, Inc., Park-O-Tell Holding Company, Park-O-Tell Operating Company of the Southwest, Parchment Paper Company, Paramount Packages, Inc., Parcel Post Meyer Scale Corporation, Ltd., Paramount Royalties of America, Incorporated, Paramount Sales Corporation, Parking Stations Securities Corporation, Parrish Dye Process, Inc., Parrish Dye Process, Inc., Parsonage of the Greenwood Circuit of the Methodist Protestant Church, Incorporated, Parrish Projection Corporation, Participating Properties, Inc., Paul J. Daemicke Company, Paul L. Smith Co., Paul Laurence Dunbar Lodge, Inc., Paterson Machinery Company, Paxinos Quarry Co., Inc., Pawling System, Incorporated, Paul W. Eichelberger & Co., Pecan Acres, Inc., Peerless Cab Company, Peerless Company, Peerless Electrical Appliance Corporation, Peabody Gas & Service Company, The, Peerless Service Stations of New York, Inc., Peerless Securities Company, Pecos Trading Corporation, Pennsylvania Allied Newspapers, Inc., Penn Auto Painting Company, Penn Bleacher Seat Company, Inc., Penn Bridge Company of America, Penn-Center Card & Gift Shop, Inc., Penn City Oil and Gas Utilities Corporation, Penn-California Mining Company of Delaware, Penene Corporation, Penn-Crude Company, Penn Commercial Company, Pennsylvania Crude Oil Company, The, Penn Delphia, Inc., Penn Delphia, Inc., Omaha, Penn Electric Advertising Corp., Penn-

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sylvania Fur Company, Inc., Pennsylvania Favor Corporation, Pennsylvania Industrial Employers Association, Inc., Pennsylvania Industrial Credit Corporation, Penn-Louisiana Securities Corporation, Penn-Lincoln Corporation, Pennsylvania Motorists Publishing Company, Pennsylvania Manufacturers & Extract Company, Penn Operating Company, Penn Oak Company, The, Pence Petroleum Corporation, Penn Yo-Plumbing Supply Co., Inc., Penn Petroleum and Supply Company, Penfield Realty Company, Pennsylvania-Rosalyn Warehouse Company, Inc., Penn-State Distributors, Inc., Penn-Shady Drug, Inc., Pennsylvania Silverware Company, Inc., Penn File & Tool Works, Inc., Penn-Texas Utilities Corporation, Penn-Tex Land & Timber Company, Penn Trumbull Corporation, Penn-Tex Oil Company, Pennsylvania Tile and Insulation Company, Penn Yan Boat Corporation, Permanesque Builders, Inc., Pfeisterine Corporation, The, Peoples Commercial Company, Pequot Coal Company, Incorporated, Perryman Electric Co., Inc., Perfect Foods Corporation, Personal Finance Company, Peoples Investment Service, Incorporated, Ltd., Personal Loans Corporation of Philadelphia, Personal Memory Company, Inc., Peoples Oil & Gas Company, Inc., Perennial Publishing Company, Perishable Shippers Association, Inc., Peoples State Company of Pontiac, Perishable Shippers Corporation, Peoples Service, Inc., Perkiomen Transfer Company, Peoples Utility Service Corporation, Peoples Welfare Company, Permanent Waterproofing Company, Petgen Company, The, Peters Development Corporation, Ltd., Petroleum Hydrogenation Engineering Corporation, Petroleum Hydrogenation Corporation of Mexico, Petroleum Holdings Corporation, Petz Motor Company, Inc., Petty Oil Corporation, Petroleum Products Exporters Company, Inc., Petite Polo, Inc., Petroleum Royalties Corporation, Petroleum Specialties Corporation, Phalanx Club, Inc., Phenix Metal Fireproofing Corporation, Philadelphia Brass Foundry, Inc., Philip Bremer and Company, Philmokin Coal Company, Phyllosan Corporation, Phoenix Corporation, The, Philip Ertel, Inc., Phoenix Engineering Company, Phillips Farm Utilities, Incorporated, Philadelphia Finance Company, The, Philippine Hardwood Company of America, Photo Memoriam Corporation, Philadelphia Pants Co., Philadelphia Paper Box Machine Co., Inc., Physicians Research Association, Philadelphia Septic Tank Company, Philadelphia Thrift Corporation, Pictorial Advertising Corporation, The Picket & Volk Lumber Com-

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pany, Pickwick Airway, Inc., Piahuy Development Syndicate, Pierce Hardware Company, The, Pickett Press, Inc., Pierce Producing Company, Inc., Pioneer Binding Company, Inc., Pioneer Broadcasting Company, Pine Dome Products Company, Pin Eliminator Company, The, Pinewald Home Builders Corporation, Pioneer Investors Corporation, Pilgrim Oil Company, Pilot Oil Corporation, Pioneer Publishing Company, Pineapple Products Corporation, Pioneer Radiocast Service Corporation, Pioneer Securities, Incorporated, Pinehurst Silk Mills, Inc., Pine Street Corporation, Pittsburgh Cleaners & Dyers, Inc., Pittsburgh-Cannelton Coal Company, Inc., Pittsburgh Engineering & Mfg. Corporation, Pittsburgh Foundation Company, Pittsburgh Market Reporter, Inc., Pittsburgh-Ohio Gas Co., Inc., Pittsburgh Pipe Tool Co., Pittsburgh Waterproofing & Insulating Products, Inc., Platinum Plazer Exploration and Reduction Company, Limited, Plains Royalty Corporation, Planters Packing Corporation, Plum Point Moulding Sand Company, Ponimok Corporation, Poet Et Cie, Pony Express Lines, Inc., The, Ponca Investment Company, Polynet Manufacturing Corporation, Poloner Progressive Association, Porterfield Aviation Interests, Inc., Port Dixie Corporation, Port Dixie Company, The, Port Isabel Bridge Company, Pollock Oil Co., Ponca Patent Development Company, Popular Photo Machine Corporation, Porto Rico Ore Company, Popular Radio Hits Corporation, Ponca Specialty Manufacturing Company, Popular Songs of the Day, Inc., Portovault Shipping Corporation, Porter-Williams, Inc., Potomac Butter Company, Porter-ville Company, The, Post Directory Distributors Corporation, Power Door Company of Philadelphia, Power Door Corporation, Power Engineering Corporation, Porterfield Flying School Corporation, Power Finance Corporation, Power Generating Apparatus Corporation, Postal Pen Company, Inc., Pottawatomie Royalty Corporation, Prattcomp Corporation, Prairie Investment Company, Pratt & Kandt Manufacturing Corporation, Prairie Window Ventilator Corporation, Pestcoke Corporation, The, Premier Diamond Syndicate, Prescription Pharmacy, Inc., Pres-Sure Lubricators Co., Prudential Bond & Share Corporation, Professional Building Corporation of Washington, D. C., Professional Credit Financial Corporation, The, Price & Company, Prismatone Co., Inc., The, Professional Credit Corporation of America, Producer To Consumer System, Incorporated, Provincial Exploration Corporation, Producers Exploration Com-

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pany, Prudential Finance and Surety Company, Progress Film Service, Inc., Prudential Finance Corporation of St. Louis, Progressive Film Corporation, Products Holding Corporation, Prime Investments, Inc., Protected Investment Corporation, Producers Independent Oil Company, Prudential Land and Investment Company, Protex Manufacturing Co., Inc., Prudential Management Corporation, Professional Men's Club, The, Production Meter Company, Producers Natural Gas Corporation, Producers Natural Gas Corporation of America, Property Owners' Leasing Bureau, Inc., Property Ownership Corporation, Protective Sales Co., Inc., Profit-Sharing Shoe Company, Inc., Provident State Securities Company, Prudential Securities Company, Print Shop, Incorporated, The, Professional Trading Corporation, Price-Writer Corporation, Publibus Advertising of America, Inc., Pyramid Associates, Inc., Publicity Bureau, Inc., Publicity Corporation of America, Puresweet Confections, Inc., Public Gas & Service Company, The, Public Gas Corporation, Publisher's Investment Corporation, The, Pure Motoroil System of West Tennessee, Inc., Pure Motoroil System of Southeast Missouri, Inc., Pure Motoroil System of South Mississippi, Inc., Pure Motoroil System of Louisiana, Inc., Pure Motoroil System of South Texas, Inc., Pyro-Non Paint Company, Inc., Publix Oil Holding Company, Publishers Press, Incorporated, Public Recognition, Incorporated, Pyramid Rock Asphalt Co., Inc., Publishers Service Company, Inc., Publishers Service Semi-Monthly, Inc., Publishers Service Engraving Company, Inc., Public Service Utilities Company, Public Service Company of America, The, Puritan-Tuttle Coal Company, Inc., Public Utilities Investment Trust, Inc., Public View Baking Co.

Queensboro Amusement Company, Inc., Quaker City Construction Co., Inc., Quinlan Company, The, Quaker City Block & Brick Co., Inc., Quaker City Investment Trust, Inc., Quaker Fruit Stores Co., Quincy Investment Company, Quaker Maid Petroleum Co., Inc., Quapaw Mining Corporation, Quality Print Shop, Inc., Quaker Products Company, Quality Seafood Markets, Inc., Quaker State Refractories Corporation, Rahn Aircraft Corporation, Rainbow Amusement Park Company, Radiocoin Corporation, Radio Counselors, Incorporated, R. C., Inc., Rainer & Connell Company, Radio Dealers Association of America, Inc., Radio Electric Clock Corporation, Railways Freight Extension Service, Incorporated, R. G. An-

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derson Shops, Incorporated, R. H. Smith, Inc., Railway-Highway Devices Corporation, Radigan-Hungerford Corporation, The, R. H. Martin, Inc., R. J. R. Corporation, The, R. L. Parkinson, Inc., R. M. Hunter, Inc., R. M. Hollingshead Corporation, R. M. McMullen Corporation, Rafael Portrait Studios, Inc., Radium Products Laboratories, Inc., R. R. Storage & Sales Co., Radio Sales Company, Incorporated, Radio Science Corporation, R. S. Rathburn Contracting Company, Radio Tone Filters, Inc., Radio Tone Control Company, R. T. M. Securities Corporation, Ralph W. Lambert & Co., R. W. Spurlock Investment Co., R. W. Evans and Company, Ramsey Oil Corporation, Ranger Packing Company, Inc., Ramsdell & Son, Incorporated, Razor Blade Vending Corporation, Ltd., Rayon Equipment and Engineering Corporation, The, Rare Gas and Electric Products Company, Inc., Raylaine, Inc., Rapp Lumber Company, Incorporated, Rapids Water Softener Co., Ray-X, Inc., Regent Associated Shares, Inc., Realty Assets Corporation, Red Bird Corporation, Reflectograph Corporation, Reff and Company, Inc., Rectified Combustion Corporation, Ree Corporation, Real De Guadalupe Mining Corporation, Inc., Re-Discount Company of America, Record Executive Personnel Service, Inc., Real Estate Reporting & Service Co., Inc., Real Estate Bond and Share Corporation, The, Reinholt Exploration and Development Co., Realty Financial Corporation, RefinOil Manufacturing Corporation, Realty Mortgage and Finance Company, Reed Novelty Company, Re-Organization and Management Company, Limited, The, Real Oil Corporation, Reading Pretzel Bakeries, Inc., Refined Steel Products Company, Realty Value Refunding Company, Inc., Republic Airports, Inc., Republic Arbitrage & Trading Corporation, Remsen Corporation, Rehoboth Heights Development Company, Reilly, Inc., Reosonie Laboratory, Incorporated, The, Remo-Lite Corporation, The, Regal Mining Corporation, Reliance Royalties, Inc., Republic Realty Company, Reliance Thrift Bond Company, Retailers Asso., Inc., Reynolds Bros. Lumber Company, Inc., Reserve Company, The, Rewhite Corporation, Ltd., Reynolds Encampment No. 3, Independent Order of Odd Fellows of Delaware, Inc., Rexcraft, Inc., Research Laboratories Company, Research Oil and Production Company, Research Oil Company, Revolute Products, Inc., Refining Products Corporation, Research Process Company, Resource Securities Corporation, Retailers Service Corporation, Rice Corporation, Richer Gear Corpora-

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tion, Richardson Grain Separator Corporation, Richey Petroleum Company, Ridgeway Dairy Co., Inc., Ridgeway Refrigerator Company, The, Rio Coal Company, Inc., Ritz Corporation, Risler Corporation of America, Riverside Development Company, Inc., Limited, The, Riverdale Motor Corporation, Rittenhouse Press, Inc., The, Robb Amusement Company, Roadway Advertising Company, Inc., Robert Berkerick's Sons, Inc., Robertson Expedition, Inc., Robert F. Briody Co., Inc., Robert Miller, Inc., Roberts-Campbell Motors, Inc., Robinson Fiber Corporation, Robinson-Jenkins-Osborne Company, Robnell Securities Corporation, The, Rock Creek Timber Company, Rockport Corporation, Rockwood Corporation of St. Louis, Rockwood Corporation of America, Rockwell Mfg. Co., Inc., Rocky Mountain Mining Corporation, Rome Brass Radiator Corporation, Roller Engine Co., Roger F. Price, Inc., Rodema Holding Corporation, Rodak Import & Export Corporation, Rogue River Placer Company, Rogue River Mineshares Corporation, Roland Steel Products Corporation, Roll Top Door Corporation, Rose Bros. Company, Roosevelt Civic Legion, Inc., Rosekrau Company, Rossman Corporation of California, Rosslyn Engineering Company, Roosevelt Floral Company, Rosentoor Gas and Electric Fixture Co., Inc., The, Rose International Chemical Company, Ltd., Ross and Republic Marble Company, Rosin and Turpentine Investment Company, Rota Bros., Inc., Rotary Disk Plow Company, Rothacker Film Corporation, Rotary Lift Company, Rotary Motors Company, Rotor Oil Motors Corporation, Royal Aero Corporation, Rowbotham and Company, Inc., Royal Distributing Company, Royal Development Company, Royal Exploration Company, Royal Finance and Credit Company of Maryland, Royal Gasoline Stations, Inc., Royalty Income Corporation, Royalty Investors, Inc., Royalties Number One, Incorporated, Royal Oil Corporation, Royal Railway Supply Co., Inc., Royal Railway Improvement Corporation, Royalty Shares, Inc., Royalty Savings Corporation, Royal Tire Service of Philadelphia, Inc., Royal Tire Service of Abilene, Inc., Royal Tire Service of Amarillo, Inc., Royal Tire Service of Georgia, Inc., Royal Tire Sales, Inc., Royal Tire Service of Nassau County, Inc., Rubber-Brush Corporation, Ltd., Rudnick's Bazaar, Incorporated, Rumson Investment Company, Rudley Mfg. Co., Rudolph Motors Company, Rufus S. Lusk, Incorporated, Rural Finance Corporation, Ruxton Corporation, The, Russell Hill Baking Company, Inc., Rydal Invest-

PROCLAMATIONS

ments, Inc., Rustless Iron Manufacturing Corporation, Rushing Lease Holding Corporation, Russell Parachute Company, Ruth Safety Garages, Inc.

Safety Aircraft Corporation of America, S. Clifford & Co., Safety Diaper Corporation, Saf-De-Lite Corporation, S. Di Simo Co., Inc., Safety Elevator Corporation of America, Safety Floating Deck Corporation, S. G. S. Industries, Inc., S. H. Rose, Inc., Real Estate, S. H. Frensdorf, Incorporated, S. Lovejoy Sons & Co., Safety Liquid Fuel Torch Corporation, Sa-Lax Mfg. Co., Inc., S. M. Wilson Corporation, S. N. Crowen and Associates, Inc., Sager Pen Company, The, Sabean Recreation Club, Inc., S. S. Newport, Inc., Safe-Well Corporation of America, S. W. String Company, Inc., St. Croix Valley Milk & Produce Company, St. Clair Carrousel Company, St. John's Lodge No. 7, F. & A. M., Incorporated, St. Louis Pump Corporation, Saint Paul Mission of the Union American Methodist Episcopal Church of Wilmington, Delaware, Samples Coal Company, Sales Engineers, Inc., Salisene, Inc., Samuels, Inc., Samson Oil Corporation, Samas Products, Incorporated, Salvage Power Corporation, Samuel S. Kerschbaum, Inc., Sales Stimulator Company, Inc., Sanitarie Distributing Agency, Inc., The, San-Dis Engineering Corporation, Sanitation Engineering Corporation, Santa Fe Royal Oil Co., Sani-Garb Company, Inc., The, Sapolite Gold Mining Company, The, Sanivac Hydraulic Vacuum Corp., Ltd., San Ignacio Pacific Salt Co., Santorini Importing Co., Inc., Sandra Laboratories, Inc., Sani-Mode Homes, Inc., Sanshaw National Holding Corporation, Sandrock Oil Company, Sanitary Plumbing Company, Sandstone Quarry & Gas Development Company, The, Sanitary Receptacle Company, Sani-Silk, Inc., Sanderson & Son, Inc., Sarasota Fruit Products Company, Sardinian Touring Co., Inc., Sauter-Bugglin Radio and Music Shop, Inc., Saunders Drive It Yourself Company, Inc., Saunders Fly It Yourself System, Inc., Satsumaland, Inc., Sauganash Investment Co., Saturn Oil Company, Saunders System Baltimore Company, Saunders System Southern Company, Saunders System Illinois Company, Saunders System Cedar Rapids Co., Saunders System Colorado Springs Co., Saunders System Ohio Company, Saunders System Iowa Company, Saunders System Wichita Company, Saunders System Houston Company, Saunders System Kansas City Company, Saunders System Oklahoma City Company, Saunders

PROCLAMATIONS

System Richmond Company, Saunders System Rockford Company, Saunders System Tulsa Company, Savon Clothes, Inc., Save Electric Products, Inc., Savannah Foundation Company, Savings Investment Company, Savoy Restaurant & Catering Co., Inc., Saxton Shale Brick & Tile Co., Schaefer China Company, Inc., Scenic Golf Operating Co., Inc., Scenic Golf, Inc., Schermerhorn Securities Corporation, Schoenwald De Mers Corporation, School Radio Corporation of America, Schroeder Development and Finance Company, Schuyler National Corporation, Schwerin Realty Co., Schwerin Thrift Plan, Inc., The, Scientific and General Research Corporation, Scientific Investors Management Corporation, Scientific Management Corporation, Scott's Natural Iron Tonic Company, Scout Royalties, Inc., Scotch Valley Coal Company, Scott Welded Products, Inc., Sculptograph Corporation of America, Scrap Iron & Metal Corporation, The, Sculptograph Sales Corporation, Seaboard Airways, Inc., Seaboard Acceptance Corporation, Seaboard Animated Sign Company, Security Burners, Inc., Seaton Bakery, Inc., Security Bond and Realty Corporation, Second Community Trading Corporation, Seaman & Co., Inc., Security Distributors Corporation, Seaboard Finance Corporation, Seaboard Hotel Corporation, Securities Holding Corporation, Security Investment and Development Company, Seabrook International Corporation, Seal-Kast Corporation, Security Loan Association, Security Manufacturing Company, Security Manufacturing Company, Security Oil and Gas Company, Seaboard Products Corporation, Second Reserve Royalty Corporation, Searight Royalty Participations, Inc., Securities Research Corporation, Seasoned Securities, Inc., Sea Safety Stock Exchange, Inc., Security Sales Corporation, Ltd., Seaboard Service Corporation, Limited, Security Trust Company of Fargo, The, Seminole Coal Company of Delaware, Service Equipment Company, Selling-Finance Publishing Co., Senator Fluorspar Company, Selected Food Products Corporation, Serelco, Inc., Seltzer Investment Company, Selectric Phonograph & Radio Corporation, Self-Re-Heel Top, Inc., Seiler School, Incorporated, The, Self Service Pump Company, Selected Shares and General Corporation, Self-Service Merchandising Corporation, Selected Stocks, Inc., Service Tire Company, Inc., Sesler Brothers, Inc., Settler Company, Shanjay Quicksilver Mining Corporation, Ltd., Shanghai Speedway, Inc., Sharples Industrial Sales, Inc., Sharfarman-Lewis Company of Delaware, Sheldon-Alamo Royalties Corporation, Shelf

PROCLAMATIONS

Bus Company, Sheak Brothers, Incorporated, Sheet Metal Products Company, Sheer & Sacks, Inc., Sheldon Superior Mining Company, Sherritt & Company, Sherman Cigar Company, Sheridan Mining Corporation, Sheriff Motor Company, Sherman Metal Products Company, Shenandoah Orchards, Inc., Shenandoah Valley Theatre Corporation, Shock Absorbing Tire Holding Company, Shone-Drumm Manufacturing Company, Shuley House Company, Shoe Lace Fastening Devices, Inc., Shirley Oil Company, Shopper Publishing Company, Incorporated, Shields Sea Food Market, Inc., Silk-soap Company, Inc., Silver Dome Consolidated Mines Corporation, Silent Drama Corporation, Silab, Inc., Silveray Lighting Co. of Philadelphia, Silver Seal Corporation, Silver Spring Dyeing and Cleaning Company, Silvertone Theatres & Sound Corporation, Sika Waterproofing Corporation, Simplex Burner Company, Sioux Gasoline Corporation, Simpson Publication, Inc., Singleton Realty Company, Incorporated, Singer Transportation Company, Sin-Tuk Corporation, Simplex Radio Company, The, Skowras Bros. and Dispon Theatrical Enterprises, Inc., Skouras Brothers Investment Co., Sies-Elliott Poster Advertising Co., Inc., Skotch Golf, Incorporated, Sisco Holding Corporation, Ltd., Six Nations (Iroquois) Development Corporation, Slaughter Beach Corporation, Sloat Corporation, Sloterbeek Chevrolet Company, Slenda-Form Laboratories, Inc., Slovak Manor Homesite Building Association, Smit-A Lite Company, Inc., Smith-Reynolds Flying Service, Incorporated, Smith Realty Co., Inc., The, Smith & Terry Transportation Company, Inc., Smith & Terry Coastwise Company, Inc., Smith-Zollinger, The, Smullen & Barry, Incorporated, Smoky City Cleaner Co., Snyder Multiform Corporation, Sneed Petroleum Corporation, Sneed Royalty Company, Smyser & Scott, Inc., Snow White Rabbitry, Inc., Snowflakes Water Company, Sobri Company, The, Sodamat Corporation, The, Soft Drinks, Incorporated, Solar Research Corporation, Somerset Amusement, Inc., Sommers Corporation, The, Sonora Products Corporation of America, Sorp Corporation, The, Sorrell and Son, Inc., Southeastern Aeronautic Association, Southeastern Airways, Inc., Southern Associates, Inc., South America Land and Cattle Company, South American Mines, Inc., South American Oil and Development Corporation, Southern Building Company Incorporated, Southwest Builders, Inc., Southwest Builders and Owners Corporation, Southland Citrus Fruit Company, Southern Consumers

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Gas and Utilities Corporation, Southwest Ceramic Products Company, Southern Compress and Storage Co., Southwestern Confection & Supply Corporation, Southland Development Company, Southern Dairymen, Inc., Southern Department Stores, Inc., Sound Equipment Operating Co., Southern Foods Corporation, Southmere Farms & Fruit Company of Indian River Florida, Southern Finance & Investment Corporation, Southern Gift & Art Association, Sound Gravel Company, Southwest Hotels, Inc., Southern Indiana Consolidated Utilities Corporation, Southern Investment Dealers, Inc., Southeastern Investors Incorporated, Southern Idaho Investment Corporation, Southwestern Investors, Incorporated, South Jersey Colloidal Phosphate Company, Southeast Motor Company, Inc., Southern Metal Products Company, Southern Mines & Quarries, Inc., Southern Oil Company, Southern Petroleum Company, Southern Planting Company, Southern Products Corporation, Sound Pictures Finance Corporation, Southern Paint & Glass Company, The, Southern Properties, Inc., Southern Publishers, Inc., South Plains Products Company, Inc., Southwestern Royalties of America, Inc., Southern States Oil Corporation, The, Southwest Service Station, Inc., South Street Sweet Shop, Inc., Southwestern Theatres, Inc., Southland Utilities, Inc., Southwestern Virginia Railway Company, Southern Wesix Company, Southwest Warehouse Corporation, Speed Auto Laundries, Inc., Speed-E-Way Perfect Laundries of Buffalo, Inc., Speculative Investors Corporation, Specification Motoroil System, Inc., of Southern California, Ltd., Specification Motor Oil System of Missouri, Inc., The, Specification Motoroil System of Illinois, Inc., Sperry, McKee and Crane, Inc., Speak-O-Phone Corporation of California, Ltd., Speak-O-Phone Recording Studios, Inc., Speak-O-Phone Corporation of Washington, The, Spencer Products Corporation, Specialty Products Co., Inc., Sparr Realty Corporation, Speakman Richardson Co., Specification Tire Company, The, Spink Construction Corporation, Sportswear Manufacturing Company, Spray Bottling Company, Square Deal Explosives Company, Square Deal Royalty Company, Spray Equipment Company, The, Sprenger Food Company, Springer Garage Company, The, Squirrel Hill Indoor Golf Club, Inc., Sprague, Myers & Wilson, Inc., Spring Street Realty Corporation, Ltd., Spruce & Thirteenth Streets Corporation, Springthorpe Textile Machine Company, Sta-Brite Products Corporation, The, Sta-Green Products Co., Inc., The, Standard Auto-Tite

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Joints Company, Standard Advertising, Inc., Standard Accessories, Inc., Standard American Investors Corporation, Standard Boring Tool Company, The, Standard Cycle Corporation, Sanfro Corporation, Standard Corporations, Inc., Standard Commercial Machine Corporation, Standard Class Publications, Inc., Standard Dial & Scale Corporation, Standard Drug Manufacturing Company, Inc., Standard Equities, Inc., Standard Electric Refrigerator, Inc., Standard Furnace Company, Standard Fish & Produce Company, Standard Finance Company of Frostburg, The, Standard Flexible Compound Co., Standard Industrial Products Company, Standard Lining Company, Stanley Leather Goods Company, Inc., Standard Motor Fuel Company, Standard Management Corporation, Standard Mines, Inc., Standard Natural Gas Company of Indiana, Standard Ohio Securities, Inc., Standard Oilshares of America, Inc., Standard Oil Royalty Corporation, Standard Oil and Refining Company, The, Standard Remedys Co., Inc., Standard Steamship Company, Stanley Sales Corporation, Standard Store Service Company, Inc., Standard Scale & Supply Corporation, The, Standard Steel Window Company, Standard Typewriter Easterner Company, Inc., Staybestos Brake Lining Company, Statesamerica Corporation, Stark & Company, Inc., State Finance Corporation, Star Oil Company, Sterilizing Company, Inc., The, Sterling Coal Company, Stermil Company, Inc., Sterling Chemical Corporation, Stellarene Corporation, Steffans Candy Mfg. Co., Stevenson and Company, Steel-City Acceptance Corporation, Stewart Clothing Corporation, Steel Dome Box Toe, Inc., Sterling Garment Manufacturing Company, Steel-King Casket Company, Sterling Manufacturing Company, Stevens Master Specification, Inc., Sterling Oil Company, Sterling Paint Corporation, Steam Range Corporation, Sterling Systems, Inc., Steel's Stores, Inc., Steam Specialties Company, Stirlen & Garland, Inc., Stogner-Dalton Drilling Company, The, Stock Exchange Clearing Corporation of Wilmington, Storrie Coal Company, Stone-Davis Mines Corporation, Stroud Holcombe Cotton Mill, Inc., Strauss Laboratories, Inc., Strawberry Mansion Business Men's Association, Straits Realty, Inc., Sturzza Corporation, The, Student Finance Corporation, Sugarmelons, Incorporated, Sugar-Jel Company, The, Subway Oil Company, Suburban Polishing Company, Suburban Poultry Homes, Inc., Subocean Salvage Corporation, Surinam-American Trade Agency, Inc., Sunny Bank Poultry Farms, Inc., Superior Brick

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Company, "Sunrise Cleaners and Dyers, Inc.", Summit Council No. 18, Junior Order United American Mechanics, Inc., Sunrise Coal Company, The, Supreme Council of the Legion of the Red Cross, Super-Disel Engine & Mfg. Co., Sullivan Engineering & Construction Co., Inc., Superior Furniture Mfg. Co., Superior Film Products Company, Super Gas & Oil Company, Summit Heights Holding Corporation, The, Sunset Hills Properties Incorporated, Sundale Investment Company, Summit Lumber & Coal Co., Superior Linking Machine Corporation, Super Motor Service Co., Inc., Super-Method Cleaners, Inc., Sunshine Petroleum Syndicate, Incorporated, Super-steam Products, Inc., Sulphur Products Company, Inc., Super Production Machinery Corporation, Sunset Pacific Oil Company, Sunland Refining Company, Sun Royalty Corporation, Superior Securities Corporation, Sunbrite Stores, Inc., Suburban Syndicate of Pennsylvania, System Auto Laundries, Inc., Swallow Airplane Company, Szczepan Gniwek, Inc., Syndicated Investment Corporation, Sweet's Laundry Shops, Inc., Swaim Oil Co., Sykes-Rigney Company, Swift Realty Company, Sweet Sixteen Shop of Youngstown, Inc., Symphony Tube Laboratories, Inc.

T. A. Flynn & Son Co., Inc., T. A. Gillespie Loading Company, T. Bruce Clark, Inc., T. B. Shannon Company, T. H. T. Corporation, T. H. Evans & Company, Incorporated, T. J. Young, Inc., T. J. Vandoren, Inc., T. M. Gibbs Construction Company, Inc., The, Talking Picture Appliance Corporation, Tavernette Corporation, Tacucudy Company, The, Taylan Expedition, Limited, Inc., Taylor-Easterling & Co., Inc., Tator-Inc., Taylor Machine Company, Inc., Tach-On Corporation, Tam O'Shanter Natural Golf Courses, Inc., Tanhujio Petroleum Corporation, Tabasco Plantation Co., Tapered Roller Bearing Co., Inc., Tax Service Corporation, Taste-Treat Corporation, Terralyte Corporation of America, Texas Chief Oil and Gas Co., Texas Chief Oil and Royalty Corporation, Texas Consumers Water Company, Telegram Company of Wilkes-Barre, Pa., The, Texas-Canadian Oil Corporation, Terra Cotta Securities Company, Terminal Cab Corporation, Texas Exploration Company, The, Texas Flying Service, Inc., Telluride-Gold Mountain Mining Company, Terre Haute Steamship Corporation, Texas Industrial Corporation, Terratile, Inc., Television, Inc., Terminal Land Corporation, Teel Laundries, Incorporated, Telephone Message Bureau,

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Inc., Terra-Marine Airplane Co., Inc., Texana Oil Company, Templeman Oil Corporation, Tennessee Oak Flooring Company, Texas Pecan Industrial, Inc., Texas Properties Corporation, Terminal Poultry Company, Terrill Realty Development Company, Telephone Stock & Bond Co., Texas Southern Oil Corporation of Boston, Tee Stone Corporation, Texas Toy and Novelty Manufacturing Co., Inc., The, Tennessee Valley Oil and Gas Company, Therapeutic Appliance Corporation, Thermokept Cane Sugar Products Co., Inc., Thayer Corporation, Thermokept Dairies, Inc., Thearle-Duffield Fireworks Co., Thies Holding Company, Theatrical Industries Corporation, Thatcher Investment Company, Theatre Managers, Inc., Theatre Realty Company of Stamford, Incorporated, The, Thermatic Sales Corporation, The, Thumb Butte Gold Mining Company, Thorton Company, Inc., Thomas Carroll, Inc., Thomfordt-Faunce Co., Inc., Thomson Oil Company, Three "R" Mines, Inc., Three Star Lumber & Contracting Company, Ltd., Three Star Mines Corporation, Three Sheet Poster Advertising Co., The, Thomas Screen Ventilator Company, Three-Year Stock Syndicate, Incorporated, Tile-Crete Corporation, Tilton Laboratories of Chicago, Inc., The, Tidewater Rolling Mills, Incorporated, Tilt Top Cap and Closure Co., Tioga Company, Ltd., Time Finance Corporation, Tim Kip Aviation Corporation, Tindel-Phillips Corporation, Tip Top Tailors, Inc., Tom Browns Highway Lanterns, Inc., Tobe Deutschmann Corporation, Tomadelli Electronic Corporation, The, Toll Gate Golf Club, Inc., Todd Royalty Syndicate, Town Crier Publishing Company, Torridaire Export & Sales Corporation, Townsend Fire Company, Torb, Inc., Trimona Aviation Corporation, Trans-America Royalty Corporation, Triangle Concete Products Company, Travelier Corporation, Traton Company, The, Trans-Continental Trading Corporation, Transpacific Corporation of America, Treadway Corporation, Transportation Corporation of America, Tripples Company, Inc., Trainor Company, The, Transportation and Development Co., Transcontinental Fiscal Corporation, Trix Food Products, Inc., Trinidad Gold Mining Company, Transport Holding Corporation, Tremore Holding Corporation, The, Traveltours, Inc., Transoceanic Industrial Corporation, Travelight Manufacturing Company, Tremont Oil & Royalty Company, Travel Publications Incorporated, Trans-Pacific Holding Corporation, Ltd., Trident Packing Company, Trent Process Corporation, Tri-State Steel Com-

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pany, The, Tri-State Ice Cream Company, Traffic Signs & Signals, Inc., Tri-State Sintering Company, Trinity Trust Company, Tropical American Corporation, Trustees Certificates, Incorporated, Truesdale Corporation, Trustee Company, Inc., The, Trusteed Equities Foundation, Incorporated, Triune Electric Actions Co., Tropical Gold Mines, Inc., Truth, Inc., Tropical International Corporation, Tru Lax Corporation, Tropico Manana Corporation, Tropical Savings and Loan Co., Ltd., Tugboat "Active" Company, Tubeweld, Inc., Tugboat "Lookout" Company, Tung Oil Sales Corporation, Turbo Corporation, The, Turnock Engineering Company, Turnbow Oil Corporation, Turnbow Production Company, Turkish Tobacco Monopoly Corporation, Twentieth Century Food Products, Inc., Twin Lakes Timber Company, Tyler Motor Company, Inc., Tywame Royalty Company, 21st Century Press, Incorporated.

U. A. C., Inc., Uintah Basin Producing & Refining Company, U-Drive-It, Inc., U. I. C. Management Corporation, U. S. & Canadian Bond & Share Company, U. S. Coal Machine Company, The, U. S. Mfg. & Sales Corporation, U. S. Movie Postage Service Corporation, U. & S. Provision Company, Inc., U. S. Packing Company, U. S. Tire Service, Inc., University of Arts and Sciences, Inc., The, Universal Bricklite Corporation, Uppercu-Burnelli Aircraft Corporation, Underfiring Coal Corporation, Universal Confections Corporation, Universal Coin Radio Company, Inc., Universal Discount & Acceptance Corporation, Units Distribution Group, Inc., Underwriters & Distributors Securities Co., Inc., Universal Fibre Corporation, Universal Frame & Sash Co., Universal Finance Corporation, Unit Holding Company, Universal Inlaid Traffic Director, Inc., Ultimo Manufacturing Co., Universal Metal Seal Corporation, Universal Metal Products Corporation, University Miniature Golf Club, Inc., Universal Mortgage Company, Universal Oil Well Cementing Company, Unity Oil Corporation, Universal Perfume Corporation, Universal Sound and Television, Inc., Universal Signal Company, Universal Spectrum Screen, Incorporated, Unirok Sales Company, Underwriters Securities, Inc., Unbreakable Talking Disc Corporation, The, Universal Toy Corporation, United Aviation Corporation, United Accounting Machine, Incorporated, United American Protestant Association of Delaware, Union Beach Steamboat Co., Inc., United Broadcasting System, Inc., United Broadcasting Company,

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Ltd., Union Central Corporation of Delaware, United Chain Stores Realty Co., United Construction & Engineering Company, United Equities Corporation, United Enterprises, Incorporated, United Eastern Gas Company, United Food Products Corporation, United Fuel Corporation, United Finance Corp. of Georgia, United Goat Dairy, Inc., United Home Products Company, United Ice & Fuel Company, United Investment Assurance Corporation, United Jewelers, Inc., The, Union Lavoratrice di Soccorso Teramo, United Motors Clubs, Inc., United Mutual Co-Operative Grocers Corporation, United Mining Company of Alaska, United Mica Corporation, United Magma Copper Company, United Merchants Advertising Company, Union Natural Gas and Utilities Corporation, United National Industries, Inc., United Oil & Utility Company, United Pilgrim Gold Mines, Inc., United Public Utilities Company, United Properties & Service Corporation, United Railways Industrial Corporation, United Radio Investment Corporation, United Realty Alliance, Inc., United Restaurant Baking Co., Inc., United Radio Corporation, Union Roofing Co., Inc., United Sponge Producers of America, Inc., United Service Royalties, Inc., United Service and Manufacturing Corporation, United Skillcrafters Corporation, United Services Association, Inc., United Service Stations, Inc., United Serv-U-Well Wholesale Grocers, Incorporated, United Securities Bond & Mortgage Co., United Spiritualist Association, The, United Sales Company, The, Union Supply Company, United States Annuity Agency Company, United States Bank Shares, Inc., United States Broadcasting and Television Corporation, United States Bureau of Research, Incorporated, United States Blower and Heater Corporation, United States Commerce Publications, Inc., United States Chamber of Aeronautics, Inc., United States Floral Company, United States & Foreign Securities Company, United States General Agency Company, United States Holding Corporation, United States and Latin American Corporation, United States Motor Industries, Inc., United States Markets, Inc., United States Miniature Golf Housing Corp., United States Oil Company, Inc., United States Public Utilities Corporation, United States Rotary Dryer Corporation, United States Rattan Company, United States Silica Corporation, United States Shares Investing Company, Inc., United States Thrift Gift System, Inc., United States Union Corporation, Union Thrift Corporation, United Tire Stores Corporation of America, United Theatres Corporation

PROCLAMATIONS

of America, United Tung Oil Corporation, Union Westchester Corporation, United Westvaco Company, Union Wire and Iron Company, The, United-West Stores Co., United Wood Treating Corporation, Utrecht Coal Co., Inc., Used Car Export Corporation, Utilities & General Investors Corporation, Usuco, Inc., Utility Light & Heat Corporation, Utilities Management Co., Urmi Oil Company, Utah Oil Corporation, Utilities Royalty Corporation, Utah Stores Corporation.

Valley Arcade, Inc., Valumet Chocolate Company, Inc., Valde, Inc., V. M. Ollier Company, Valley Motor Co., Vacuum Packing Corporation, Valley Plastering Co., Van Alstyne Milling Company, Vapro Company, Vaughn Corporation of America, Inc., Van Der Drug Company, Varonne, Inc., Vanall Petroleum Company, Van Royalty Corporation, Dallas Texas, The, Vaughn-Rush Drilling & Producing Company, The, Vandeventer Securities Corporation, Venezuela Coastal Oil Corporation, Venango Corporation, Venco Corp., The, Vegetized Foods, Incorporated, Verdier & Hardy, Inc., Venice Hunting & Trapping Company, Inc., Velodrome, Inc., Vending Machine Corporation of Michigan, Vending Machine Corporation, Ventura Mining Company, Veg-O-Weet Products, Inc., Venezuela Securities Company, The, Vermont Securities Corporation, Victor Air Valve Corporation, Vi-Zenz Corporation, Victor Check-writer Mfg. Corporation, Viking Corporation, The, Victor-Frame Oil & Development Company, Victor, Incorporated, Vick Royalty Co., Victor Rubber Mfg. Co., The, Vigo Tire Service, Inc., Visit America, Inc., Vitreous Art Rock Corporation, The, Virwool Cloth Corporation, Vitaglo Corporation, The, Vitamin Company of America, The, Virginia Dare Products Company, Vita Dry, Inc., Vitamin Flour, Inc., Virginia Holding Corporation, Vindor, Incorporated, Vitimin Milling Corporation, Virginia Snow, Inc., Vine & Sunset Hotel Company, Ltd., Virginia-Tennessee-Carolina Co., Vulcan Auto Parts Co., Vogue Boot Shop, Inc., Vosbikian Bros. & Co., Inc., Vogue Co., Voice of the Sky, Inc., Vogue Radio Corporation, Von Winkler Laboratory, Incorporated.

W. B. Mitchell, Inc., Waconda Copper Company, W. C. Hayes & Co., W. C. Newman Corp., The, W. E. Floding Company, The, W. E. Gregory & Company, W. E. Noyes Co., Wage Earners Realty

PROCLAMATIONS

and Finance Corporation, The, W. G. Gates & Company, Wade H. Harley Gas & Oil Company, Incorporated, W. H. Owens & Company, W. H. Wilson & Sons Oil Co., Wakefield's, Incorporated, W. J. Stearns Engineering Co., Inc., W. J. Early Sons Foundry Corp., W. J. O'Leary Company, The, W. L. C. Plumbing Supply Co., W. L. Clark Company, Incorporated, W. M. Harris & Sons Co., W. N. Albertson Company, Wachtel Sales Corporation, W. S. M. Amusement Corporation, W. T. Farley, Inc., Wakeless and Wireless Torpedo Works, Inc., Walker and Company, Incorporated, Wallace Engineering Corporation, Wallace Motor Co., Walker Signal and Equipment Corp., Wallings Syndicated Services, Inc., Wall Street Trading Corporation, Walnut Company, The, Walter Hardware Co., Inc., Walmo, Inc., Walter Johnson Base Ball Game, Inc., The, Walter Kaufman, Inc., Walsh Paving and Construction Corporation, Walter Raymond Company, Inc., Wanner Malleable Castings Company, Wann Vending Corporation, Ward Built Homes, Inc., Wardman-Cheverly Estates, Incorporated, Wardman Roosevelt Corporation, Ward Sudderth, Inc., Warga Industries, Inc., Warnasco Products Corporation, Warner Sugar Refining Company, Warren Gears, Inc., Warren Holding Corporation, Warren Weartest Corporation, Washington Bowling-Billiard Company, Washington Brokerage Company, Washington Heights Musical Club, The, Washington Information Bureau, Inc., The, Washington Investment & Construction Corp., Washington Irving Investing Corporation, Wasserman Institute, Inc., Washington Pharmacy, Inc., The, Wasson Sales Co., Inc., Waterbus Corporation of America, Waterside Cinder Block Corporation, Waterfront Holding Corporation, Waterways Transportation Company, Inc., Waughrine Medicine Company, The, Wave Ways Recreation Co., Inc., Wear-Ever Cushion & Mattress Co., Weatherby Ore Separator Company, Weather Proof Utilities Corporation, Webb Cut Stone Company, Inc., Webster Contracting Company, Weco Marble Company, Weisberg Buttons, Inc., Weithas Finance Corporation, Wee Golf and Lunch, Incorporated, The, Weld Best Metals Corporation, Welte-Mignon Corporation, Well Oil Corporation of Pittsburgh, Pennsylvania, Western Aviation Corporation, West American Trading Company, West Coast Air Transport Corporation, Western Capital Company, Ltd., Wesley's Chapel Methodist Episcopal Church, West Coast Utilities Corporation, West Drilling Company, Western

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Empire Mines Company, Ltd., West Gold Mining Company, Western Hemisphere Trading Corporation, Westcliff Investment Corporation, West Indies Products Co., Western Mining, Milling & Refining Co., Western Mines Syndicate, Incorporated, Western National Corporation, Western Oil & Gas Company, West Philadelphia Bowling Recreation, Inc., Western Plate Glass Company, Western Paper Sales Co., Inc., Western Reserve Gas Company, Western Royalty & Producing Corporation, Westark Radio Stores, Inc., Westlake Securities Corporation, Ltd., Western States Investment Company, Western States Oil Corporation, West Teziutlan Copper Company, Western Transportation Co., West Texas Gas Utilities Corporation, West Texas Oil Lands Corporation, Weston Tobacco Syndicate, Inc., Western Willite Company, Wetzel Lumber Company, Wharton Manufacturing Company, Wheaco Cereals, Inc., Wheelock Trading Corporation, Whelan Tailors, Inc., Whitehall Amusement Company, Inc., Whitehead Bridge Studios of Pennsylvania, Inc., Whitmont Corporation, Whitefield Citrus Corporation, White Model Bakers, Inc., Whitlock Metered Mail Co., Ltd., Whitlock Manufacturing Company, White Rose Spring Water Co., White River Development Co., Whitney Syndicate, Inc., Whitman Sound Corporation, Wichita Petroleum Company, Wids Rubber Corporation, Wiik Trading and Transportation Co., Willard Apartment Co., Inc., Wm. A. Beck, Inc., Wilkes-Barre & Hazleton Railway Corporation, Wilkes-Barre & Hazleton Terminal Corporation, Williamsport Button & Mfg. Co., Inc., Wilkie-Buick, Inc., Wilco Chemical Corporation, Wildamus Corporation, William E. O'Donnell, Inc., Williamson Electric Newwares Corporation, William E. Slattery Company, Inc., Wilright Gas Company, William Hatton Company, Wm. H. Pohle Music Co., Wilpet, Inc., Wilkie-Levy Company, Ltd., Wildel Mfg. Co., Williams Mechanical Parker Co., Wm. Penn Oil Company, William Rabinowitz, Inc., Wm. P. Young & Son, Inc., William Parke, Incorporated, Will-Ro-Realty Corporation, Wills Storage Heater Co., Inc., William S. Phillips Construction Company, Wilhelm's Trouble Proof Awnings, Inc., Wilmington Cigar Company, Wilmington Coal Company, Wilmington Electro-Plating Co., The, Wilmington Manufacturing and Jobbing Company, Wilmington University, Inc., Wilson Finance Company, Wilson Pictures, Inc., Wing On Company, Inc., Winokur Pharmacy, Inc., Winkelman Shoes, Incorporated, Winnebago Se-

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curities Corporation, Winkler-Thompson Co., Inc., Wire Cord Hose Pipe Company, Wired Heat Co., Ltd., Wisdom, Incorporated, Limited, Wiseley Lock-Joint Derrick Corporation, The, Winsor Tractor Equipment Corporation, Woerderhoff Shoe Company, Inc., Wolf Creek Coal and Development Company, Wolff Coal Saver Company, Wolfgas, Inc., Wolfe & Lewis, Incorporated, Wolfe Oil Corporation, Wolf and Sheffit, Inc., Woman Patriot Publishing Company, The, Woodlite Co., Ltd., Woodley Flower Shop, Inc., Woodbury Mills Corporation, Woodside Motor Service Company, Wood Properties, Incorporated, Wood & Tucker, Inc., Wood and Wolcott, Inc., Workmen's Finance Service, Inc., World Wide Distributing Corporation, Wright Appliance Company, Inc., Wright Furniture Co., Inc., Wyoming Golf Course, Inc., The, Wylie, Masser Shoe Co., Inc., Wyoming-Montanan Pipe Line Company.

X-Otic, Inc.

Yellow-Cab Company of Los Angeles, Yextla Co., Yellowstone Petroleum Corporation, Yellow Pine Co. of Philadelphia, Yowell Contracting Company, Young Painting and Decorating Company.

Z-Corporation, Zinser Corporation, The, Zenith Engine Company, Zaney-Gill Corporation, Zermomat, Inc., Zenith Oil Corporation, Zane Tire Service, Inc., Zero-Vender Corporation, Zephyr Washed Air Company, Zonia Copper Mining Company, Zurrus Products, Inc.

IN TESTIMONY WHEREOF, I, C. D. BUCK, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal to be hereunto affixed this nineteenth day of January, in year of our Lord one thousand nine hundred and thirty-four and of the Independence of the United States of America, the one hundred and fifty-eighth.

(SEAL)

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,
Secretary of State.

CHAPTER 305
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the State Tax Department of the State of Delaware reported to me on the third day of January, A. D. 1933, a list of the companies that were two years in arrears for taxes, having refused, failed or neglected to pay the taxes assessed against them; and

WHEREAS, the Governor of the State of Delaware did issue his Proclamation on the nineteenth day of January, A. D. 1933, proclaiming the "Lenape Tribe No. 6, Improved Order of Red Men of Delaware," as having failed, refused or neglected to pay the taxes aforesaid.

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do hereby proclaim that "Lenape Tribe No. 6, Improved Order of Red Men of Delaware", a corporation incorporated under the laws of the State of Delaware, January 20, A. D. 1905, it having been established to my satisfaction, has not neglected or refused to pay the annual franchise taxes assessed against said corporation and that said company was inadvertently reported to me by said State Tax Department as failing, refusing or neglecting to pay said taxes as aforesaid; that pursuant to the authority vested in me by virtue of Section 79 of the Franchise Tax Law of the State of Delaware, to correct such mistake, I hereby make the same known by filing this Proclamation to that effect in the office of the Secretary of State.

PROCLAMATIONS

(Great Seal) IN TESTIMONY WHEREOF, I, C. D. Buck, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed this third day of January, in the year of our Lord one thousand nine hundred and thirty-four, and of the Independence of the United States of America, the one hundred and fifty-eighth.

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,
Secretary of State.

CHAPTER 306
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, by reason of the expiration of the term of office of Associate Judge Richard S. Rodney on January 12, 1934; and

WHEREAS, the Constitution of the State of Delaware provides that if a vacancy shall occur among the State Judges by expiration of term or otherwise, when the Senate shall not be in session, the Governor shall within thirty days after the happening of any such vacancy convene the Senate for the purpose of confirming his appointment to fill said vacancy.

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, in and by virtue of such authority vested in me by the aforesaid Constitution of the State of Delaware, do issue this proclamation convening the Senate of the State of Delaware in Extraordinary Session at Dover, the capitol of the said State, on the fifteenth day of January, A. D. 1934, at twelve o'clock noon to consider and act upon the following business, to wit:

To confirm the appointment which will be made to fill the vacancy in the office of Associate Judge at Large; and

To transact such other executive business as may come before the Senate of the State of Delaware.

IN WITNESS WHEREOF, I, C. D. Buck, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed this fourth day of January in the year of our Lord one thousand nine hundred and thirty-four and of the Independence of the United States of America the one hundred and fifty-eighth.

(Great Seal)

By the Governor:

CHARLES H. GRANTLAND,
Secretary of State.

C. D. BUCK.

CHAPTER 307
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, the State Tax Department of the State of Delaware reported to me on the third day of January, A. D. 1933, a list of the companies that were two years in arrears for taxes, having refused, failed or neglected to pay the taxes assessed against them; and

WHEREAS, the Governor of the State of Delaware did issue his Proclamation on the nineteenth day of January, A. D. 1933, proclaiming the "Benevolent Pioneer Literary Association of Wilmington, Delaware", as having failed, refused or neglected to pay the taxes aforesaid.

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do hereby proclaim that, "Benevolent Pioneer Literary Association of Wilmington, Delaware", a corporation incorporated under the laws of the State of Delaware, January 15, A. D. 1901, it having been established to my satisfaction, has not neglected or refused to pay the annual franchise taxes assessed against said corporation and that said company was inadvertently reported to me by said State Tax Department as failing, refusing or neglecting to pay said taxes as aforesaid; that pursuant to the authority vested in me by virtue of Section 79 of the Franchise Tax Law of the State of Delaware, to correct such mistake, I hereby make the same known by filing this Proclamation to that effect in the office of the Secretary of State.

PROCLAMATIONS

IN TESTIMONY WHEREOF, I, C. D. Buck, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed this fourteenth day of August, in the year of our Lord one thousand nine hundred and thirty-four, and of the Independence of the United States of America, the one hundred and fifty-ninth.

(Great Seal)

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,
Secretary of State.

CHAPTER 308

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS the destruction of life and property by fire is a matter of concern to everyone and

WHEREAS the reduction of this fire waste can be effected in direct proportion to the amount of care exercised by all people, and

WHEREAS, the President of the United States for the benefit of the American people as a whole has proclaimed the week of October 7-13.

FIRE PREVENTION WEEK

Therefore, I, C. D. Buck, Governor of the State of Delaware, do hereby proclaim the week of October 7-13 to be

FIRE PREVENTION WEEK

in order that the people of this State in every community shall individually and through various organizations discover and correct existing fire hazards, promote measures of public and private fire protection, extend instruction in fire prevention among adults, as well as school children and arouse the people generally to the need for habits of greater care.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Delaware, at Dover, this third day of October, in the year of our Lord one thousand nine hundred and thirty-four.

(Great Seal)

By the Governor:
C. D. BUCK.

CHARLES H. GRANTLAND,
Secretary of State.

CHAPTER 309
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, on October 11, 1934, will occur the one hundred and fifty-fifth anniversary of the death of General Casimir Pulaski, whose deeds at the siege of Savannah, Georgia, remain an inspiration to all Americans and whose memory it is fitting to hold in all honor; and

WHEREAS, by Act of the General Assembly of the State of Delaware, the Governor is directed to issue a proclamation on or about October 11th of each year inviting the people of our State to observe this day in schools and churches with appropriate ceremonies in commemoration of the death of this illustrious hero;

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, under and by virtue of the authority vested in me by the aforesaid Act of the General Assembly, do by this proclamation invite the people of the State of Delaware to honor on Thursday, October 11, 1934, the memory of Brigadier General Casimir Pulaski, by holding such exercises and ceremonies in schools and churches, as may be deemed appropriate in commemoration of his death; and further, I do direct that on that day, the flag of the United States be displayed at their homes and suitable public places.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Delaware, this third day of October, in the year of our Lord one thousand nine hundred and thirty-four.

(Great Seal)

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,
Secretary of State.

CHAPTER 310

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

Public education is a vast cooperative enterprise of society and was established in this country of ours to safeguard and maintain the democratic ideals upon which American society was founded. Its effectiveness in achieving the objectives set up by this society depends upon the nature of relationship and the degree of cooperation between the school and the public. In order to maintain a close relationship and to improve the degree of cooperation certain definite responsibilities must devolve upon educational leadership.

Believing the future welfare of American democracy is dependent upon the present welfare of American schools, I call upon interested citizens of Delaware, especially school officials and parent teacher organizations, to plan programs for the observance of

AMERICAN EDUCATION WEEK

NOVEMBER 5 to NOVEMBER 11, 1934

to the end that public attention will be focused upon the need of society for adequate schools and urge all friends of public education to visit their schools during the period so set apart.

PROCLAMATIONS

IN TESTIMONY WHEREOF, I, C. D. Buck, *Governor of the State of Delaware*, have hereunto set my hand and caused the Great Seal to be hereunto affixed this first day of November in the year of our Lord one thousand nine hundred and thirty-four and of the Independence of the United States of America, the one hundred and fifty-ninth.

(Great Seal)

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,
Secretary of State.

CHAPTER 311

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

As in time of war, the people of the United States have rallied loyally in this period of national emergency, when the economic and social unrest is more urgent than ever before experienced, to the support of the American Red Cross. The many tasks of helping individuals and families in their attempts to adjust themselves to meet their changing situations still remain as the responsibilities of the communities in which they reside.

NOW, THEREFORE, as the Red Cross bends itself to the task of co-operating in disposing of the problems imposed upon every community, I, C. D. Buck, Governor of the State of Delaware, take this opportunity to proclaim

THE ANNUAL ROLL CALL OF THE AMERICAN RED CROSS
ARMISTICE DAY TO THANKSGIVING DAY

with confidence that the people of our State will continue their trust in this splendid organization, nationally and locally, and urge every citizen to become a member as by so doing necessary financial support will be given to its activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Delaware to be hereunto affixed this tenth day of November, in the year of our Lord one thousand nine hundred and thirty-four, and in the year of the Independence of the United States of America, the one hundred and fifty-ninth.

(Great Seal)

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,
Secretary of State.

CHAPTER 312
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

C. D. BUCK, Governor of the said State

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL
COME, GREETING:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 6th day of November, in the year of our Lord one thousand nine hundred and thirty-four that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of a Treasurer of the State of Delaware.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in said county respectively for such State Treasurer were cast as follows, to wit:

NEW CASTLE COUNTY

James R. Clements	28,618
Warren T. Moore	33,830
Russell S. Altemus	380
Athanasais T. Hadgis	57

KENT COUNTY

James R. Clements	7,761
Warren T. Moore	6,575
Russell S. Altemus	11

SUSSEX COUNTY

James R. Clements	9,444
Warren T. Moore	11,888
Russell S. Altemus	39

PROCLAMATIONS

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such State Treasurer the result appears as follows, to wit:

Whole number of votes for James R. Clements	45,823
Whole number of votes for Warren T. Moore	52,293
Whole number of votes for Russell S. Altemus	430
Whole number of votes for Athanasais T. Hadgis	57

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do hereby declare that Warren T. Moore has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Treasurer of and for the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the fifteenth day of November in the year of our Lord one thousand nine hundred and thirty-four and of the Independence of the said State the one hundred and fifty-ninth.

(Great Seal)

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,
Secretary of State.

CHAPTER 313
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

C. D. BUCK, Governor of the said State

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL
COME, GREETING:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 6th day of November, in the year of our Lord one thousand nine hundred and thirty-four that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of an Auditor of Accounts of the State of Delaware.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in said county respectively for such Auditor of Accounts were cast as follows, to wit:

NEW CASTLE COUNTY

Scott W. Rees	28,566
James Henry Hazel	33,994
Morris Goodlevege	383
William V. P. Davidatis	59

KENT COUNTY

Scott W. Rees	7,732
James Henry Hazel	6,546
Morris Goodlevege	14

SUSSEX COUNTY

Scott W. Rees	9,479
James Henry Hazel	11,848
Morris Goodlevege	38

PROCLAMATIONS

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Auditor of Accounts the result appears as follows, to wit:

Whole number of votes for Scott W. Rees	45,777
Whole number of votes for James Henry Hazel	52,388
Whole number of votes for Morris Goodlevege	435
Whole number of votes for William V. P. Davidatis	59

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do hereby declare that James Henry Hazel has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Auditor of Accounts of and for the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the *fifteenth* day of November in the year of our Lord one thousand nine hundred and thirty-four and of the Independence of the said State the one hundred and fifty-ninth.

(Great Seal)

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,
Secretary of State.

CHAPTER 314
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

C. D. BUCK, Governor of the said State

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL
COME, GREETING:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 6th day of November, in the year of our Lord one thousand nine hundred and thirty-four that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of an Insurance Commissioner of the State of Delaware.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in said county respectively for such Insurance Commissioner were cast as follows, to wit:

NEW CASTLE COUNTY

Bankson T. Holcomb	28,945
James Postles Hammond	33,638
Edmund S. Smith	361
James L. Lodine	55

KENT COUNTY

Bankson T. Holcomb	7,734
James Postles Hammond	6,493
Edmund S. Smith	12

SUSSEX COUNTY

Bankson T. Holcomb	9,397
James Postles Hammond	11,940
Edmund S. Smith	45

PROCLAMATIONS

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Insurance Commissioner the result appears as follows, to wit:

Whole number of votes for Bankson T. Holcomb	46,076
Whole number of votes for James Postles Hammond	52,071
Whole number of votes for Edmund S. Smith	418
Whole number of votes for James L. Lodine	55

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do hereby declare that James Postles Hammond has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Insurance Commissioner of and for the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the fifteenth day of November in the year of our Lord one thousand nine hundred and thirty-four and of the Independence of the said State the one hundred and fifty-ninth.

(Great Seal)

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,
Secretary of State.

CHAPTER 315
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

C. D. BUCK, Governor of the said State

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL
COME, GREETING:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 6th day of November, in the year of our Lord one thousand nine hundred and thirty-four that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of an Attorney General of the State of Delaware.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in said county respectively for such Attorney General were cast as follows, to wit:

NEW CASTLE COUNTY

Edward W. Cooch	28,927
Percy Warren Green	33,718
Alvah W. Lloyd	376

KENT COUNTY

Edward W. Cooch	7,748
Percy Warren Green	6,485
Alvah W. Lloyd	10

SUSSEX COUNTY

Edward W. Cooch	9,508
Percy Warren Green	11,818
Alvah W. Lloyd	41

PROCLAMATIONS

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Attorney General the result appears as follows, to wit:

Whole number of votes for Edward W. Cooch	46,183
Whole number of votes for Percy Warren Green	52,021
Whole number of votes for Alvah W. Lloyd	427

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do hereby declare that Percy Warren Green has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Attorney General of and for the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the fifteenth day of November in the year of our Lord one thousand nine hundred and thirty-four and of the Independence of the said State the one hundred and fifty-ninth.

(Great Seal)

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,
Secretary of State.

CHAPTER 316
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

C. D. BUCK, Governor of the said State

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL
COME, GREETING:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 6th day of November, in the year of our Lord one thousand nine hundred and thirty-four that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and Laws of the State of Delaware, in that behalf, for the election of a Representative for the people of the said State, in the Seventy-fourth Congress of the United States.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Representative were cast as follows, to wit:

NEW CASTLE COUNTY

John C. Hazzard	28,485
John George Stewart	34,205
William A. Mayor	353
Joseph P. Daniels	58

KENT COUNTY

John C. Hazzard	7,898
John George Stewart	6,447
William A. Mayor	13

SUSSEX COUNTY

John C. Hazzard	9,544
John George Stewart	11,816
William A. Mayor	38

PROCLAMATIONS

AND WHEREAS, The said returns of the election for the choice of a Representative of and for the said State in the Seventy-fourth Congress of the United States, as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Representative, the result appears as follows, to wit:

Whole number of votes for John C. Hazzard	45,927
Whole number of votes for John George Stewart	52,468
Whole number of votes for William A. Mayor	404
Whole number of votes for Joseph P. Daniels	58

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do hereby declare that John George Stewart has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Representative of and for the State of Delaware in the Seventy-fourth Congress of the United States.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the fifteenth day of November in the year of our Lord one thousand nine hundred and thirty-four and of the Independence of the said State the one hundred and fifty-ninth.

(Great Seal)

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,
Secretary of State.

CHAPTER 317

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

C. D. BUCK, Governor of the said State

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL
COME, GREETING:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 6th day of November, in the year of our Lord one thousand nine hundred and thirty-four that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and Laws of the State of Delaware, in that behalf, for the election of a Senator for the people of the said State, in the Senate of the United States for the Constitutional term, to commence on the third day of January (at noon) in the year of our Lord one thousand nine hundred and thirty-five.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Senator were cast as follows, to wit:

NEW CASTLE COUNTY

Wilbur L. Adams	29,205
John G. Townsend, Jr.	33,846
Fred W. Whiteside	402
John T. Wlodkoski	69

KENT COUNTY

Wilbur L. Adams	7,483
John G. Townsend, Jr.	6,794
Fred W. Whiteside	17

SUSSEX COUNTY

Wilbur L. Adams	9,083
John G. Townsend, Jr.	12,189
Fred W. Whiteside	78

PROCLAMATIONS

AND WHEREAS, The said returns of the election for the choice of a Senator of and for the said State in the Senate of the United States, as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Senator, the result appears as follows, to wit:

Whole number of votes for Wilbur L. Adams	45,771
Whole number of votes for John G. Townsend, Jr.	52,829
Whole number of votes for Fred W. Whiteside	497
Whole number of votes for John T. Wlodkoski	69

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do hereby declare that John G. Townsend, Jr., has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected Senator of and for the State of Delaware in the Senate of the United States for the Constitutional term to commence on the third day of January (at noon) in the year of our Lord one thousand nine hundred and thirty-five.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the fifteenth day of November in the year of our Lord one thousand nine hundred and thirty-four and of the Independence of the said State the one hundred and fifty-ninth.

(Great Seal)

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,
Secretary of State.

CHAPTER 318
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

As each year a day is set apart for prayer and acknowledgment of the protecting care of Almighty *God* and thanks are given for His manifold blessings in accordance with the custom established by our ancestors, let us resolve to continue faithful to His teachings. As a people may we be strengthened in our influence for truth, justice and good-will to our neighbors and as a country may we maintain our high place in the hearts of nations throughout the world.

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do hereby set apart and designate

THURSDAY, THE TWENTY-NINTH DAY
OF NOVEMBER, 1934
AS A DAY OF PUBLIC THANKSGIVING

so that our people may gather in their homes, places of worship and in other appropriate places, and by words and deeds make known their appreciation of the love and guidance of their Heavenly Father.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Delaware to be hereunto affixed this fifteenth day of November, in the year of our Lord one thousand nine hundred and thirty-four, and in the year of the Independence of the United States of America, the one hundred and fifty-ninth.

(Great Seal)

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,
Secretary of State.

CHAPTER 319
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, Prior to the period when the furnishing of relief to the needy and distressed of the State of Delaware became the duty of commissions selected by the Governor, there existed in this State, private welfare organizations of various kinds caring for such persons in their communities; and

WHEREAS, the destitute families of Kent and Sussex Counties are without any welfare board to which they can appeal for help during the Winter months, and

WHEREAS, the time has arrived when the State is no longer permitted to assume responsibility for those of our citizens who are now beseeching the Governor for relief in the way of necessities of life;

NOW THEREFORE, I, C. D. Buck, Governor of the State of Delaware do call upon all our citizens and especially such private welfare organizations as were heretofore engaged in this Christian work to organize and/or reorganize for the purpose of renewing their activities in this direction at the earliest possible moment.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Delaware to be hereto affixed this sixteenth day of November, in the year of our Lord one thousand nine hundred and thirty-four and of the Independence of the United States the one hundred and fifty-ninth.

(Great Seal)

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,
Secretary of State.

CHAPTER 320
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

C. D. BUCK, Governor of said State

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL
COME, GREETINGS:

WHEREAS, Frank Fisicaro and George La Rocca, citizens of the City of Wilmington, New Castle County and State of Delaware, were slain by a person or persons unknown on the morning of Monday, November 12, 1934, at Third and Lombard Streets in said city; and

WHEREAS, there are reasonable grounds for the belief that the laws of this State have been violated and it is necessary for the purpose of securing the arrest of the person or persons offending, that a reward be offered for the arrest and conviction of such person or persons;

NOW, THEREFORE, I, C. D. BUCK, GOVERNOR OF THE STATE OF DELAWARE, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 6 OF CHAPTER 13, OF THE REVISED CODE OF THE STATE OF DELAWARE, DO HEREBY OFFER A REWARD OF

ONE THOUSAND DOLLARS

FOR THE ARREST AND CONVICTION OF THE PERSON OR PERSONS WHO COMMITTED THE CRIME AFORESAID, SAID REWARD TO BE PAID TO SUCH PERSON OR PERSONS AS THE ATTORNEY GENERAL OF THIS STATE SHALL CERTIFY TO BE ENTITLED THERETO.

PROCLAMATIONS

(Great Seal) IN TESTIMONY WHEREOF, I, C. D. Buck, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed this 16th day of November in the year of our Lord one thousand nine hundred and thirty-four and of the Independence of the United States of America the one hundred and fifty-ninth.

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,
Secretary of State.

CHAPTER 321
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, the Continental Congress adopted the Federal Constitution in September, 1787, and submitted it to the various States for ratification; and

WHEREAS, Delaware ratified this constitution on December 7, 1787, and by so doing has since been known as "the first State in the Union"; and

WHEREAS by resolution of the General Assembly of the State of Delaware, the Governor has been authorized and directed to issue a proclamation calling upon all the citizens of this State to appropriately celebrate this historic event;

NOW, THEREFORE, I, C. D. Buck, by virtue of the authority in me vested, do hereby designate the seventh day of December as

DELAWARE DAY

and call upon all citizens of this State to display State and National flags on this day as well as to observe the event with appropriate exercises in all schools, churches and civic organizations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Delaware to be hereunto affixed this sixth day of December in the year of our Lord one thousand nine hundred and thirty-four and of the Independence of the United States of America, the one hundred and fifty-ninth.

(Great Seal)

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,
Secretary of State.

CHAPTER 322

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

Whereas, Pierre S. duPont, Tax Commissioner on behalf of the Tax Department of the State of Delaware, has reported to me a list of corporations which for two years preceding such report have failed to pay the taxes assessed against them and due by them under the laws of this State.

Now, therefore, I, C. D. Buck, Governor of the State of Delaware, do hereby issue this proclamation according to the provisions of Sections 75 and 76, Chapter 6, of the Revised Statutes of 1915, as amended, and do hereby declare under this act of the Legislature that the charters of the following corporations, reported as aforesaid are repealed:

A. A. Davis Co., A. A. Henninge, Inc., A. A. Rollestone Company, The, A. B. C. Connector Corporation, Ltd., A. D. Cummins & Co., Inc., A. F. Wheeler Furniture Corporation, A. H. Ivins, Inc., A. & H. Trading Company, A. J. Levy Lumber Company, Inc., A. J. Russell & Co., Inc., A. J. Wardrep Sons Company, A. J. Wilson Company Inc., A. M. Rovin Laboratories, Inc., A. Norden Agency, Inc., Abdou Press Corporation, Al Safety Razor Corporation, A. S. Roberts Machine & Grinding Service, Incorporated, Aachen Title & Guarantee Trust Co., Inc., A. W. Smith Company, Action Advertising Corporation of America, Accommodation Discount Corporation, Acme Fireproof Door Mfg. Co., Acme Gasoline and Oil Co., Inc., Acme Hardware & Supply Co., Acacia Investment Securities Co., Acadia Land Company, Acme Manufacturing Company, Inc., Ace Petroleum Corporation, Acme Security Corporation, The, Adams Bleecker Tire Company, Adventure Corporation of North America, The, Adkins, Inc., Aderton Johnson & Mayer Inc., Advertised National Products Shares, Inc., Ad-O-Graph Corporation. Adamson-Ott Co., Adelpia Steamship Corporation, Adams Tire Company, Adams, Wood & Co., Adams Your Hatter & Furnisher, Inc., Aetna Acceptance Corporation, Airport Advertising

PROCLAMATIONS

Inc., Aircraft Appliance Sales Corporation, Ajax Builders Supply Company, Aeromatic Basketball Corporation, Aeronautical Corporation, The, Aetna Company, The, Agalyn Corporation, The, Agnard Corporation, Airite Corporation, Airport Consultants, Incorporated, Aero-Electric Heat Light and Power Corporation, Aircraft Engine and Accessory Development Corporation, Affiliated Equities, Inc., African Foreign Tropical Products Company, Transporters, Exporters & Importers, The, Airplane Food Markets and Express Company, Aeronautical Foundation Inc., Affiliated Hotels Bureau, Inc., Agencies Holding Corporation, Ajax Heating Company Inc., Aircraft Improvement Corporation, Aeromarine Klemm Corporation, Air Legion, Inc., The, Air Line Express, Inc., Affiliated Lecture and Concert Association Inc., The, Airport Lighting Inc., Aero Marine Searchlight Corporation, Airplane and Motor Sales, Incorporated, Aero-Marine Associates, Inc., Airplane & Marine Direction Finder Inc., Airway Revolving Sign Co. of Delaware, Inc., Aircraft Radio Corporation, Airkooled Sparkplug Co., Inc., Airways Service Co., Affiliated Securities Corporation, Aeronautical Service of America, Inc., Aeronautical Schools Inc., Aero-Special Refining Company, African Tropical Products Co., Air-Vactor, Inc., Airgard Ventilator Corp., Alexander Corporation, Albert F. Kramer Aviation Corporation, The, Alexander Ferguson, Inc., Alaska Gold Mining & Developing Corporation, The, Alabama Gulf Oil Corporation, Alabama Home Trust Company, Alex Madjaric & Co., Alaska Nabesna Corporation, Albas Oil Development Company, Alamac Properties, Inc., Alex Y. Malcomson Company, Allied American Corporation, Allied Aviation Industries Inc., Allegheny Auto Trunk Corporation, Allen Automatic Tag Machinery Corporation of America, Alpha Baking Co., The, Allied Business Corporation Shares, Inc., Alpha Catering Company, Allied Clothiers, Inc., Allied Dealers Acceptance Corporation, Alma Draft Gear Corporation, Allan E. Walker Investment Company, Allied Food Products Corporation, Allen Francis Bard, Inc., Allen Factory and Laboratories Co., Ltd., Allied Fireworks Manufacturers, Inc., Alpha Hat Company, Allied Mercury Corporation, Allied Minerals, Inc., Allen Motor Freight Company, Alma Mining Co., Allen Manufacturing Company, Inc., Allied Manufacturing Corporation, Allan Manufacturing and Electrical Corporation, Allied Motor Industries, Inc., Almadura-Memphis Corporation, Allied Oil Corporation, Allied

PROCLAMATIONS

Production Company, Allen R. Smart Corporation, The, Almar Stores Company, Allied Securities System, Inc., Allied Theatrical Productions, Inc., Allied Utilities Company, Allen-Wales Corporation, Allen Walker & Company, Inc., Aluminum Chloride and Oil Refining Corporation, Alturas Mineral Springs, Limited, Alyce Securities Company, The, Alworth-Stevens Hild Company, Altoona Tool and Industrial Equipment Company, Amerol Bank-insurance Shares Inc., Ames Chemical Company, Inc., Amea Co., Inc., Amcord Corporation, Ampere Corporation, Amerimex Engineering Corporation, Amropa Engineering Corporation, Amcan Hydraulic Brake Co., Amelia Mines and Minerals Corporation, Amex Mining Company, Ambler Motor Company, Amerispana Petroleum Company, Amalgamated Silk Corporation, Amalgamated Typographers Inc., American Atlas Corporation, American Onimated Advertising Corporation, American Accommodation Co., Inc., American Airports Corporation, American Association Companies, Inc., American Automatic Dispensing Company, American Brick Company, American Bankers Acceptance Corporation, American Broadcasting & Amusement Corporation, American Book Co., Inc., American Boll Weevil Elimination Company, The, American Bindery Corporation, American Building & Investment Corporation, American Commonwealths Securities Corporation, American Cane Products Corporation, American Creditors' Finance Corporation, American Council of Foreign Bondholders, Inc., American Canadian Everlight Corporation, American & Cuban Construction Co., American Coal and Fuels Corporation, American Credit Bankers, Inc., American Coat and Apron Supply Inc., American Catadyn Company, American Collateral Corporation, American Commonwealth Corporation, American Constant Company, American Cemeteries Inc., American Commonwealths Power Corporation, American Community Power Company, American-Canadian Utilities, Corporation, American Distribution Corporation, American Die & Forge Company, American Eagle-Lincoln Aircraft Corporation, American Empire Power Corporation, The, American Exploration Co., American European Match Corporation, American Exhaust Purifier Corporation, American Electric Switch Corporation, The, American Eagle Underwriters, Inc., American Expansion Wheel Corporation, The, American Fishing and Packing Corporation, American Food Products, Incorporated, American Fiduciary Agency,

PROCLAMATIONS

Inc., American Foreign Trading Corporation, American Fuse Corporation, American Fireworks Co. of St. Louis, Inc., American Forecault Machine Company, American Fuel and Power Company, American Fur Ranch, Inc., American General Corporation, The, American Gas Service Company, The, American Gear-Shift Company, Inc., American House Furnishing Company, American-Indian Medicines, Incorporated, American Incorporated Light Company, American Industrial Gas Corporation, American Insured Investors, Inc., American Italian Commercial Corporation, American Kambi Company, American Lubricating Co., American Mica, Incorporated, American Medical Assurance Corporation, American Mutual Aid Association, American Memorial Corporation, American Mortgage Company of California, The, American Manufacturers and Dealers Corporation, American Metal Products Corporation, American Mortgage & Realty Co., American-Oriental Advertising Company, Ltd., The, American Oil & Gas Royalty Corporation, American Oil Royalties Osage Corporation, American Oil Royalties Seminole Corporation, American Petroleum Corporation, The, American Participating Finance Corporation, American Pharmaceutical Corporation, The, American Poultry Products, Inc., American Process Corporation, American Public Corporation, American Progress Company, Inc., American Process Gas and Metal Corporation, American Paulin System, Inc., The, American Russian Ukranian Association, American Saving and Credit Corporation, American Seamless Container Company, American Solvents & Chemical Corporation, American Steamship Corporation, American and Scottish Investment Company, American Shares, Inc., American Society of Model Engineers, Inc., American States Utilities Company, American Taxpayers, Inc., American Telephone Share Company, The, American Television and Radio Corporation, American Textiles, Inc., American Tung Oil and Products Corporation, American Utilities & General Corporation, American Utilities Service Co., American Vibrolithic Corporation, American Voting Machine Corporation, American Walnut Products, Inc., American Welded Tube Co., Anderson, Baschen & Co., Anakin Company, The, Anacondia Gold Mines, Inc., Anderson Lumber Company, Inc., The, Andes Petroleum Corporation, Anderson Trucking Company, Inc., Ansophone Corporation, Antoxylin Chemical Corporation of Delaware, Ankerite Corporation of America, Andron Company, Inc., Animated Display

PROCLAMATIONS

Corporation of America, The, Antilles Enterprises, Incorporated, Antonio J. Errichetti, Inc., Anglin's Financial and Economic Services, Inc., Ankl-Glov Products Corporation, Angelo Julian Company, Anhydrous Metallic Chlorides Corporation, The, Anglo-Mexican Mines, Inc., Ann Phillips, Inc., Annetta Steamship Corporation, Angelo Vespertino Company, Inc., The, Apple Candy, Inc., Appliance Corporation, The, Appollo Oil Company, Apple Products Corporation, Apex Paper Manufacturing Company, Aqua-Zinc Process, Inc., Arkansas Anthracite Coal Marketing Company, Armstrong Appliance Corporation, Arts Building, Inc., Art Craft Pictures Corporation, Arcade Company, Arthur Conners Corporation Argonaut Development Company, Aransas Harbor Corporation, Artwall Incorporated, Arizona Jupiter Mines Incorporated, Arnold Leo's Corporation, Argentina Mining Company, Arthur N. Few & Co., Incorporated, Arctic Nu Air Corporation, Arnett Oil Company, Arc Products Corporation, The, Argus Properties, Incorporated, Arrowlock Products Company, Ltd., Arcady Properties, Incorporated, Art Print Shop, Inc., The, Arlac Stencil Corporation, Armstrong Seadrome Development Company, Arista Trading Corporation, Armored Tire and Rubber Company, Inc., Arden Weavers, Inc., Associate Acceptance Corporation, Associated Broadcasters of America, Inc., Associated Credit Stores, Inc., Associated Employees Investment Inc., Associated Equities, Inc., Association for International Credits, Inc., Associated Farmers Inc., Associated Inventions, Inc., Associated Industrial Bankers Corporation, Associate Industry Corporation, Associated Investors of New York Incorporated, Asper-Lax, Inc., Associated Managers, Inc., Associated News Reels Inc., Associated Power and Light Corporation, Ash Removals Patent Corporation, Associated Realty Owners, Inc., Associated Specialties, Inc., Associated Service Gas & Oil Corporation, Asiatic Transport Company, Atlantic Benefit Association, Atlas Chemical Corporation, Atlantic City Motor Speedway Association, Athens Fuel Gas Company, Atlas Gas & Utilities Company, Atlantic Gas and Electric Corporation, Atlantic Navigation Corporation, Atlantic Realty Company, Atlas Radio Company, Inc., Atlantic Stages Inc., Atlas Towel Supply Company, Atlantic Utilities Securities Corporation, Atlas Wrecking Corporation, Austrian & American Securities Company, Inc., The, Aukburgs Bargain House Inc., Automobile Bankers Association, Inc., Auto-

PROCLAMATIONS

matic Baseball Incorporated, Automatic Canteen Company of Boston, Autopat Company, The, Auburn Cord Roxborough Co., Autobacconist Corporation, The, Autodraulic Corporation, Avenue Company, Automotive Corporation of America, Automatic Connector Corporation, Auto-Comfort Touring, Inc., Automatic Film Machine Corporation, Avileo Flying Corporation, Automatic Hook Corporation, Automatic Income Builders, Inc., Automatic Loader Corporation, Automatic Machine Co., Ava Oil & Gas Company, Automatic Pump Company of Delaware, Automatic Pin Setting Company, Augur Petroleum Company, Automatic Phonograph Corporation, Automatic Pistols, Inc., Automobile Reconditioning Contract Corporation, Automobile Radio Corporation, Audet Steel and Rim Co., Automatic Shaving Brush Company, Auto Service Stations, Inc., Auto-Science Association, Automatic Sales Corporation of Delaware, Automatic Signal Corporation of Massachusetts, Auto Safety Fender and Brake Corporation, Automatic Time Switch Co., Auto Transit Inc., Automatic Truck Loader Corporation, Aurora Woolen Mills Corporation.

B. & B. Anthracite Coal Company, B. and C. Transportation Co., Inc., B. E. Nickoll Land Co., B. G. Goble Mfg. Co., B. G. Sandwich Shops, Incorporated of Los Angeles, B. and G. Rubber Manufacturing Company, The, B. L. Wigton Oil Company, B-L Engineering Company, Ltd., Baby Laundry Corporation, The, Bacly Manufacturing Company, Baggaley Oil & Gas Company, B. Perlstein, Inc., B. P. Gas & Oil Company, Baird Pneumatic Register Company, Baker's Ice Creams, Inc., Baker's Room Service Bureau, Inc., Baker Sales Company, Bald Deakyne Pile Points Co., Bald Mt.-Homestake Mines Corporation, Baltimore Securities Corporation, Bankers Automatic Thrift Machine, Inc., Banta Corporation, Bankcraft Inc., Bandbox Incorporated, The, Banker's Investment Company, Banco-Kentucky Company, The, Bannack Mines Inc., Bankers' Mortgage Company, Bankers Realization Corporation, Bancsecurities Service Corporation, Bankers Share, Company, Incorporated, The, Bankers Trust Company, Barling Aeronautic Corporation, Barker Baking Company, Inc., Barataria Fisheries, Inc., Barkey Utilities Inc., Barbara Worth Hotel Corporation, Ltd., Barnard Tractor and Equipment Company, Barrett Automatic Keyless Lock Company, Barsoom Fruit Candy Company, Inc., Basic In-

PROCLAMATIONS

dustries, Inc., Barrel Royalty Corporation, Barre, Trading Corporation Baruch Baking Company, Barzan Corporation, Base Line Coal Company, Bashioum Producer-Retort Company, Bartlett Rayon and Machine Company, Bassett Utilities Corporation, The, Bateman Corporation, Battery Parts Company, Inc., Batavia Plantation Company, Bauxite-Chemical Corporation of America, The, Bavarian Liquid Malt Co., Baumstown Realty Co., Bayrivers Transit Company, Beaufort Development Corporation, Bear Meadows Game Farm, Inc., Beaver Refining Company, Limited, Beaver Valley Stone Company, Bedford Armstrong Corporation, Bedner Boiler Company, Beckley College, Incorporated, Bedford-Torrey Corporation, Bekkedal Brothers, Inc., Belman Burners, Inc., Belle City Manufacturing Company, Belle Chemical Company, Bell Equipment Corporation, Bell Fire Detector Corporation, Belgian French Venezula Oil Corporation, Beloit Sand & Gravel Co., Belcor Trading Corporation, Bego Venezuelan Oil Corporation, Ben Coal Co., Inc., Ben Franklin Bankers Corporation, Benjamin Kaiser & Company, Inc., Benjamin R. Tryce, Incorporated, Benson Theatres, Inc., Berkley-Cook Corporation, Berger Coaster Company, The, Berg Manufacturing Company, Bethesda-Blue Granite Company, Incorporated, Beyer Research Laboratories, Inc., Bethlehem Radio Corporation, Betty Silk Mills, Inc., Beta Sigma Fraternity-Horological-Alpha Chapter, Inc., Bigelow Building Corporation, Biltmat Construction & Contracting Corporation, Big Pee Dee Investment Company, Big Shot Gold Company, Bird Aircraft Corporation, Bittles Bakeries, Inc., Bird's Eye Medicine Company General Hospital and School for Nurses, Incorporated, The, Blast Abrasive Corporation, Blandford Corporation, Black Diamond Shirt and Overall Company, Black Eagle Society, Black and White Service Company, Blue Diamond Company, Inc., Blue Diamond Company of Philadelphia, Blue Grass & Black Gold, Incorporated, Blue Mountain Development Co., Inc., The, Blume Provision Company, Blue Ribbon Mines, Inc., Blue Ribbon Oil & Transportation Corporation, Blue Star Petroleum, Corporation, Bloom Studios, Inc., Blue Star Coal Company, Blue Valley Development Company, Boag Building Corporation, Boines Brothers, Inc., Bohlander Iodine Co., Ltd., Boggs Land Company, Bob-O-Link Golf Corporation, Bonded Finance Service, Inc., Books, Inc., Bond Metal Corporation, Booth Publishing Company, Inc., Bonita Plantations Co., Bo-

PROCLAMATIONS

mor Realty Corporation, Bonded Service Corporation, Bombayreed Willow Furniture Company, Born Drug Stores, Inc., Boston Easy Washer Company, Boston Market House, Incorporated, Bosse Patents, Incorporated, Borst Shackles, Inc., Boulevard Miniature Golf Courses, Inc., Bourdette Mining & Development Company, Bourbon Natural Gas Corporation, Boulevard Recreation Company, Bowers' Food Shop, Inc., Bowen's Inc., Bowman Management, Inc., Bradshaw Bros & Co., Bradford County Investment Co., Brainard Company, Brainerd Flour & Feed Mill Co., Brake-On Light, Inc., Bradford-Penn Petroleum Co., Brandimist, Incorporated, Brandt Machinery Company, Branches of Red Star Milling Company, The, Brandywine Securities Corporation, Branson System Inc., The, Brayland Stock Farm Co., Brent Norman, Inc., Brihall Corporation, Brighter Furniture Factory, Inc., Bridge Players, Inc., Brightwood Sales Corporation, Brick Sheathing Corporation, Bristol Sand & Gravel Co., British War Veterans of America, Incorporated, Broadway-Central Securities Corporation, Brolo, Inc., Broadview Oil & Gas Corporation, Broad Street Motors, Inc., Broadmoor Taxi Company, Brooks-Howard Corporation, Brooks and Hanlon, Incorporated, Broncho, Incorporated, Brooks Steam Motors, Inc., Brown Beverages Corporation, Brownings, Incorporated, Brown-Jaspers Incorporated, Bush Electric Company, Brunswick Financial Corporation, The, Brunswick Land and Lumber Company, Buckcanister Corporation, Bucher & Gibbs Plow Company, The, Buckley Tractor & Equipment Co., Bunyea Beall Productions, Inc., Bunola Coal Co., Bull's Eye Road Marker Corporation, Bullock Iron Works, Inc., Building Material Associates, Inc., Buffalo Special Remedy Company, Inc., Bureau of Financial Research, Inc., Burke Hardware Company, Burkhart Moser Junior Estate, Inc., Burstein Bros., Inc., Burrowes Corporation, The, Burton Orchards, Inc., Burrow's Pharmaceutical Company, Burr, Stevens & Co., Inc., Burham Trading Corporation, Business Builders Investment Trust, Inc., Byron Corporation, Butane Gas Corporation of America, Butner Laboratories, Incorporated, Byers-Prestholdt Motor Company, Butte Silver, Gold, Copper Company, Byron T. Gifford & Company, Buyers Wholesale Association, Inc.

Cain Aircraft Corporation, Cab-Ad Corporation of America, C. A. Mixon Incorporated, Cagless Ball Bearing Corporation, C.

PROCLAMATIONS

Bauer Co., Inc., Cabrey Corporation, Caberfae Corporation, The, Cafe Criterion, Inc., California Development Corporation, C. E. Duffield Petroleum Company, C. T. Thompson, Inc., C. F. Weber & Company, Ltd., C. F. Cleary Co., California Farming Company, Ltd., California Fruit and Vegetable Distributing Company, Inc., C. G. Mackintosh & Company, Inc., California Gold Mines Company, California Juneau Gold Mines, Ltd., C. J. Howard, Inc., C. J. Love Coal Company, C. J. Weiser, Incorporated, C. M. Simpler & Co., C. M. Fetterolf & Co., Inc., C. M. Gillingham & Co., Inc., C. M. Reid Coffee Company, C. & O. Garages, Inc., C. P. Davis and Company, Incorporated, C. & R. Holding Corporation, Caesar Rodney Building and Loan Association, Calland Realty Corporation, C. R. Hoskins Co., Callahan Securities Company, C. S. Watson & Co., Inc., California Stucco Products Company of Philadelphia, C & S Weather Proof Paint Products, Inc., C. Trevor Dunham, Incorporated, Calco 2, Inc., C. W. Carter Mfg. Co., C. & W., Inc., C. & W. Pyle Company, Inc., Cameron Anderson Bell Properties, Inc., Cameron-Anderson-Burnham Properties, Inc., Cameron-Anderson East Texas Properties, Inc., Cameron-Anderson Rusk County Properties, Inc., Cameron-Anderson Shore Line Properties, Inc., Cameron-Anderson Smith County Properties, Inc., Cameron Gasifier Corporation, The, Cameo Record Corporation, Capital Aero Club, Canadian American Public Service Corporation, Capital Bowling, Inc., Capital Building Supply Company, Capitol Cleaners & Dyers, Inc., Capitol Clothes, Inc., Capitol Candy School, Inc., Canadian Export Company, Capra Filter Press Corporation, Capital Home Builders Corporation, Cape Henlopen Canning Corporation, Cannon Investment Company, Capital Mortgage & Title Co., Inc., Canam Metals Corporation, Canam-Mex Corporation, Cane Machines Corporation Capital Provision Company, Canton Refrigerators, Inc., Capital Realty Co., Inc., The, Cananova Steamship Corporation, Canadian Southern Finance Corporation, Carbon Black Production Corporation, Carmax Corporation, Carmack Dry Cleaning Company, Carolina-Georgia Service Company, Carawave, Inc., Carolina Industries, Incorporated, Caribbean Oil Company of Delaware, Car-Roof Safety Tread Co., Carlin Steel Products Co., Carrier-Brunswick Corporation, Carrot Corporation, The, Carroto Finance Corporation, Carrier Holding Corporation, The, Carsponium, Inc., Carrot Products Corporation, Carroll Tension Corporation,

PROCLAMATIONS

Cascade Dairy Stores, Inc., Cass Holding Corporation, Castings, Metals and Valve Corporation, Castle Petroleum Company, Inc., Central Atlantic Water Workers and Electric Corporation, Central Bond and Mortgage Company, Centre County Development Company, Certified Concrete Products Co., Ceco Corporation, Century Cement Corporation, Central Cotton Oil Company, Catts-Carley Petroleum Company of Delaware, Central Cities Telephone Company, Central Des Moines Corporation, Central Engineering and Construction Co., The, Catskill Evening Line, Inc., Central Fuel Gas Company, Inc., Central Growers Exchange, Inc., Central Groceries Co., Inc., Cavalry Journal, Inc., Central Jersey Investment Corporation, Certified Laboratories, Inc., Certifine Manufacturing Co., Cayo Mambi Steamship Corporation, Central and Northwest Corporation, Central and Northwest Utilities Company, Central Pattern Company, Causby's Parisian Laboratories, Inc., Certified Roofers, Inc., Cedar Securities Company, Central States Car Rental Company, Cement Securities Investment Corporation, Central States Securities Company, Central Texas Motor Car Corporation, Central Theatres, Inc., Champion Battery Company, Ltd., Chain Grate Incinerator Company, Inc., Chain of Rocks Kingshighway Bridge Company, Chain Store Realty Company (Penna.), Chain Stores Realty and Investment Corporation, Charles A. Bond, Inc., "Charlotte Bowling Alleys, Inc.", Chancellor Corporation, Chapman, Cullens & Co., Charleston Fort Sumter Corporation, Chantry Houses, Inc., Charco, Inc., Charleston Import and Forwarding Company, Charles M. Scott Packing Company, Chapman and Oliphant Company, Charles R. Speaker & Company, Incorporated, Charles Stores, Inc., The, Chaucer Corporation, Chesell Corporation, Chemtex Corporation, The, Chemical Holding Corporation, Chelva Heat, Inc., Cheek's Hygeia Dairy Products, Inc., Chemical Insect Service, Inc., Chatham Investment Corporation, Chautauqua Investors, Inc., Chesapeake & Potomac Company, Incorporated, Checker Sales and Finance Corporation, The, Cherry, Van Leer & Company, Chino-American Corporation, Chinese American Finance Corporation, Chilton Corporation, The, Chiriqui Commercial Company, Chicago & Eastern Airways, Inc., China Hall Association, Incorporated, The, Children's Home Library, Inc., Chicago Nehi Corporation, Chic products, Inc., Chintz Shop, Inc., The, Cine-A-Graph Corporation, Chromium and Aluminum Corporation, The, Cincinnati Agency

PROCLAMATIONS

Development Company, Cinder Block Corporation, Church Bonds & Securities Co., Christie Corporation, Cinder Concrete Units, Inc., Citizens Consolidated Gas Company, Citizens Finance Company, City Finance Corporation, Citizens Gas Corporation, Cincinnati, Hamilton & Dayton Corporation, Circle Music Corporation, City National Company of Corpus, City National Company of Huntington Park, Cisco Oil Company, City Produce Company, Inc., The, Citizens Public Service Company, Citizens Securities Corporation, Civic Service Corporation, City Sanitarium, Inc., Civic Utilities Corporation, Clairton Laundry and Dry Cleaning Co., Clark Book Co., Claudia Cosmetic Corporation, Claude Illumination Company, Claredon Mining Company, Clark Oil Company, Clear Creek Consolidated, Inc., Clermont Products Company, Inc., Cleland, Rothpletz and Maxwell, Incorporated, Clear Spring Anthracite Company, Clear Vision Devices Corporation, Clear Vision Printing Company, Clover Coal Company, Click-Me Lock Corporation, Clyde Mills, Inc., Clinton Oil & Gas Company, Cobus Corporation, Coast to Coast Transportation Lines, Inc., Coates Motors, Inc., Coatesville Motor Sales, Inc., Coastal Royalty Corporation, Coast Steamship Company, Codan Company, The, CodLiver Products Company, Coe-Mortimer Company, The, Cohen Bros, Fur Shop, Inc., Colin B. Kennedy Corporation, CoLac Corporation, Cela-Cocktail Company of Texas, College Nut Company, Inc., Colloid Products, Inc., Colton Apartment Corporation, Colorcraft Corporation, Colonia Company, The, Colonial Containers Corporation, Columbia Chemical Corporation, Columbia Electric Corporation, Colonial Enterprises, Inc., Columbia Finance Corporation, Columbus Finance and Loan Co., Colorado Gas and Fuel Company, The, Colonial Gasoline Company, The, Colonial Marble Company, Inc., Colorado Natural Gas Company, Columbia Oil Company, Colonial Realty Company of Pittsburgh, Colorado River Engineering & Development Company, Colonial Stages, East, Inc., Colonial Stores Company, Colony Trading Corporation, Colonial Transfer & Registrar Trust Co., Colonial Village Swimming & Skating Club, Inc., Combustion Accessories Company, Inc., Community Auditorium, Inc., Community Boosters, Inc., The, Community Credit System, Inc., Commercial Counselors, Inc., Commercial Chemicals Corporation, Community Credit Co., Commerce Coal and Mining Company, Commodity Distributors, Inc., Combination Equity Shares, Inc.,

PROCLAMATIONS

Commerce Freight Company, Commonwealth Fuel and Supply Company Communities Gas Service Corporation, Commercial Gas Products Company, Commonwealth Holding Corporation, Commercial Instruments Corporation, Community Loan Company, Commercial Motor Sales Company, Inc., Community Motor Sales, Inc., Compressed Natural Gas Corporation, Commonwealth Public Service Company of Oklahoma, Commercial Super-Imposing Corporation, Ltd., Common Shares, Inc., Commercial Station Post Office Inc., Combined Title Studios, Inc., Commercial Transportation Company, Commercial Travelers and Tourists Association, Inc., Commercial United Finance Corporation, Concentric Air Cells Automatic Co., Concrete Cutting Corporation of Connecticut, The, Concrete Conduit Company, Congress Finance Corporation, Concord Holding Company, Condiment Kitchen Inc., The, Condor Syndicate, Incorporated, Confer Stores, Inc., Conco Temperature Control Corporation, Concrete Treatment Materials, Inc., Connecticut Avenue Corporation, Connecticut Industrial Credit Corporation, Conservation Appliances, Inc., Consumers Auto Supply Company, The, Conservation Corporation of America, Consolidated Caribbean Oil Corporation, Consolidated Candy Corporation, Consolidated Canners Corporation, Consolidated Cleaners and Dyers, Inc., Consolidated Engineering & Supply Company, Construction Equipment Distributors, Inc., Conservative Finance Corporation, Consolidated Graphite Corporation, Consolidated Insurance Brokers, Inc., Consolidated Marble Corporation, Consumers Motor Fuel, Inc., Consumers Material Corporation, Consolidated Motors, Inc., Consolidated Neon Sign Corporation, Consolidated Oil & Gas Corporation, Consumers Oil & Grease Company, Consolidated Public Service Corporation, Consolidated Research Corporation, Construction Reports, Inc., Consolidated Shares Corporation, Consumers Sand Company, Consolidated Southern Farms, Inc., Consolidated Tin Mines Corporation, Consumers Utilities Corporation, Consolidated Wood Products Company, The, Continental Amusement Company, Continental Breweries, Inc., Continental Credit Corporation, Contracting Corporation of America, Continental Drugs, Inc., Continental Finance & Credit Corporation, Continental Land Value Corporation, Continental Marketing Corporation, Conversion Products Corporation, Continental Securities Corporation of Alabama, Continental Share Corporation Ltd., Continental Seaboard Corporation, Convex Screen

PROCLAMATIONS

Corporation, Continental Television Corporation, Continental Valve & Equipment Company, Inc., Cook County Finance Corporation, Cook County Lumber Company, Co-Operative Utilities Co., Inc., Cooper and Brush Newberger Cotton Company, Inc., Copley Clothes Inc., Coopersburg Cabinet Works Inc., Co-Operative Merchandising System, Inc., Copper-Queen-Tunnel Company, Inc., Cooney & Small Engineering Co., Inc., Cornelius Benjamin Company, Corn Belt Loan & Discount Corporation, Corporate Founders, Incorporated, Corporation Holding Company Inc., Corona Mines Inc., Cordona Oil and Potash Co., Corona Silica, Inc., Costa Corporation, Cosmograph Company, Inc., The, Corry Fur Farms Inc., Cosmopolitan Oil Company, Cortlandt Pictures Corporation of California, Ltd., Costa Rica Fruit and Candy Corporation, Covell Corporation, The, Cotton Picker Company of America, Courtland Properties Inc., Cotton-Todd & Company Inc., Coward Bros., Inc., Cowles-Langenheim Corporation, Coward Shoe Inc., The, Cragmere-Cummings Incorporated, Crason Corporation, Crawford-Dyer & Co., Craft Film Laboratories, Inc., Crawford-Lewis Corporation, Cramp-Morris Industrials, Incorporated, Craig & Nelson, Inc., Credit Adjustment Corporation, The, Crescent Amusement Corporation, Credit Bankers Inc. of Maryland, Creditors Carpet Corporation, Crispy-Chip Corporation of America, Credit Corporation of America, Crescent City Harbor Co., Creamed Foods, Inc., Grillon Galleries, Inc., Credit and Investment Company, The, Crescent Inc. of St. Paul, The, Creditors Liquidating Carpet Co. of California, Creole Mercerizing Company, Crescent Manufacturing Company, Crestwood Realty Corporation, Crescent Recreation Company of Pittsburgh, Crescent Trading Corporation, Crohan Trading Corporation, Cross S. Winter Garden Farms Inc., Crowntex Corporation, Crystal Laboratories, Inc., Crystal Lime & Mining Company, Crystal Nut Products Co., Crude Oil Hydro Corporation, Crude Oil Royalties Corporation, Crusaders Realty Company, The, Cuban Aviation Corporation, Cumulative Capital Corporation, Cuddy Mountain Gold Mining Company, Cup-saw Company, Curd Coal Co., The, Curtis Consolidated Harvesters Inc., Curtis Harvesters Inc., Curtis Harvester Inc. of Missouri, Curtis-Helmich-Pugsley Company, Curtis Manufacturing Company, Cushman Hotel Corporation, Cuthbert Oil Corporation, Cyrenian Templars of America Inc., Cyclone Threshers, Inc.

PROCLAMATIONS

D'Arcy Van Bokkelen & Company, Inc., Dale B. Scarborough Corporation, D. C. Construction Company, D. C. Speedometer Repair Company, Incorporated, Dallas Durant Company, Dale Manufacturing Co., D. M. Fontana & Sons Inc., D-N Sewage Disposal Company, Inc., Dairy Operators Company, Dallin Oil Burner Sales Company, Dalton Publications, Inc., Dakalite Products Company Inc., Daniel Boone Coal Corporation, Daniels Coal Co., Inc., Dardanelle Electric Light & Water Company, Darlington, Inc., Dame, Larsen and Parkin Incorporated, Danville-Plaza Hotel Company, Dandy Sealer Corporation, Darling Specialty Co., The, Davidson's Drug Stores Inc., Davophone Inc., David Stuart Realty Co., Inc., Davis Budget System of Clothing, Inc., Davis Petroleum Corporation, Day & Night Auto Safety Signal Co., Dealers Distributing Group Inc., De Fremery & Co., De Flondor, Limited, De Forest Radio Company, De Gouy Corporation, De Sibour Construction Company, Death Valley Mining Corporation of America, De Vere Mining & Development Co., Inc., Deer Creek Oil and Gas Company, Deca-Disc Phonograph Company, Degenhardt Inc., Dehydrators Incorporated, Deibert Wallpaper and Paint Co., Delta Alcohol Corporation, Delmarva Asbestos Co., Delokla Coal Co., Delacroix Corporation, Delta Electric Company, DeLuxe Funeral Homes, Inc., Del Mar Va Distributing Company, Del-Mar-Penn Corporation, Delta Steamship Corporation, Delmarva Sales Company, Delaware and Chesapeake Transportation Co., Delaware Furniture Company, Delaware Flying Service Inc., Delaware Gliding and Flying Club, Delaware-Louisiana Fur Trapping Company, Inc., Delaware Mutual Trading Corporation, The, Delaware News & Advertising Service, Inc., Delaware Oil Company of Michigan, Delaware Products Company, Delaware Utility Bond and Share Co., Delaware West Indies Co., Dempsey Barge Corporation, Depp-Baldali Produce Co., Dependon Chemical Corporation, Deposit Finance Corporation, Detach-Able Bit Sales Company, Deskor Chair Corporation, Detroit Deck Company, Detroit Liquidating Company, Des Moines Live Stock Exchange Inc., Des Moines Corporation, The, Des Moines Valley Power Company, Des Moines Music Company, Incorporated, The, Deutz-Ortenberg Corporation, Despadent Sales Corporation, Devco Corporation, DeVaux Pittsburgh Co., Diamond & Co., Inc., Dictatype, Incorporated, Diamond State Ice Cream Company, Dictatype Shorthand Machine Company, Inc., The, Diamond T. Phila-

PROCLAMATIONS

delphia Truck Sales, Inc., Diamond Tray and Basket Co., Distributors Blue Book of America, Inc., District Construction Company, Inc., Ditrienne Corporation, Dixie Company, The, Direct Control Valve Company, Diplomat Coffee Company, District Foundation Company, Inc., Dixie Nut Company, Dimes News Company, Dixie Polish Company, Inc., Dilliard Remedy Company, Distributors Securities Corporation, Direct Sales Corporation, Dimon Steamship Corporation, Dixie Soda Fountain Service, Inc., Diversified Utility Investments Inc., Dodge Distributors Corporation, Dodds Granite Corporations, The, Doctor Pepper Bottling Works, Incorporated, Doble Steam Motors Corporation, Domestic & Foreign Guaranty Company, Dominion Fur Company Incorporated, Dolgien Inc., Domestic & Imported Products Corporation, Dominion Oil Company of America, Dominion Patents Corporation, Domestic Service Corporation, The, Donnelly Belt Clamp Manufacturing Company, Douglass Caramel Company, Dovan Chemical Corporation, Dorothy Lorraine Company, Dover London Leeds, Inc., Douglas Nurseries, Inc., Douglas Submerging Salvage Boat Corporation, Dowling's Golf Games, Inc., Downey Laboratories, Inc., Dow W. Carpenter, Incorporated, Drink-Apep Company, Inc., Drekolias Foundation, Inc., Dresser Mining Company, Drillers Oil and Development Company, Inc., Dr. Rosen's Ex-El Toilet Preparations, Inc., Drury's Restaurant, Inc., Dr. Thompson's Sterile Toothbrush Co., Dragon Tractor Corporation, Dublin Dry Ginger Ale Corporation of America, The, DuPont Motors Distributing Company Limited, Dual Wall Block Company, Dumont Fertilizer Company, Inc., Duluth Marine Supply Company, Duluth Motor Arcade, Inc., Duke-Whitney Gas and Oil Corporation, Dunne Bauer & Company Incorporated, Duo Display, Inc., Duo-Seal Company, Durbuilt Company, Durian Corporation of America, Durabuilt Corporation, Durant Motor Company of California, Durham Medical Arts Building, Inc., Durant Motor Sales Corporation, Durant Motors, Incorporated, Durant Motor Company of Texas, Durant Motor Company of Atlanta, Durant Motor Company of Cincinnati, Durant Motor Company of Chicago, Inc., Durand Properties Inc., Durrant Sales Bulletin, Inc., Duro-Tex Company, Inc., Dyers & Cleaners, Inc., Dyerweld Corporation, Dynamic Corporation, Dyer-Ensinger Company, Inc., Dyer Electric Cooler Corporation.

PROCLAMATIONS

E. A. Lundy Company, Inc., E. B. W. Holding Corporation, East Coast Holding Co., E-C-Producing Corporation, East Coast Utilities Company, Eastern Carolina Service Corporation, Eau Claire Dells Power & Light Company, E. E. Walls Secret Service & Detective Agency, Inc., E. E. Fulton Company, E. E. Atkinson & Company, Eastern Finance System, Inc., E. & G. Manufacturing Co., The, E. H. Rollins & Sons International Corporation, E. H. Ward & Company, Eastern Iowa Bond & Investment Company, E. J. Walsh & Company Incorporated, East Jersey Mortgage Company, East Liberty Roofing and Supply Co., Eastern La Vida Mineral Water Distributing Company, Ltd., Eagle Lake Mining Co., Inc., Earnshaw Manufacturing Corporation, E. N. Goodsell Inc., Eastern Power Corporation, Eastern Public Service Corporation, Earl R. Ernsberger & Co., Inc., E. R. Grant Company, Eastern States Gas Company, Eastern States Distributing Company, Inc., Eastern Shore Loan and Savings Association, Inc., Eastern Smoked Fish Co., Inc., Eagle Sales Company, East Texas Consolidated Oil Company, East Texas Shore Line Production Company, East Texas Production Company, Eagle Transfer Company, E. W. and F. D. Jones Oil Company, East & West Associates Inc., Earley W. Adams Co., The, Earl W. Bradley, Incorporated, Economy Jewelry Company, Inc., Economy Manufacturing Company, Economy Shoppe of East Liberty, Inc., The, Ebak Stores, Inc., Educational Art Press Inc., Edward A. Phillips, Inc., Edmonds Art Stone Company, Educational-Christie Inc., Edmund Corporation, Egyptian Drug Store Company, The, Edmund F. Saxton, Inc., Educational Feature Service, Inc., Edwin Hult & Co., Efron's Inc., Edw. J. Dunnigan Incorporated, Edward L. Strohecker Co., Inc., Edwards Plateau Royalty Corporation, Edward Small Company, Edna V. O'Brien, Inc., 804 Nicollet Avenues, Inc., Eisenberg's Tire Service, Inc., Electric Appliances, Inc., Eldon Apartment Corporation, The, Electromatic Appliance Corp., The, Elkins Construction Company of Delaware, Inc., Elkwood Corporation, Electric Clock Corporation of America, Eliot Cobb Lumber Company, Inc., El Dorado Food Products Company, El-El Trading Corporation, Electric and Gas Shares Depositor Corporation, Eleanor Graham Company, Inc., Elesta Holding Corporation, Elkin-Handley-Emery, Inc., Elbejen Inc., Elaterite Manufacturing Corporation, Electric Mineral Separation Co., Inc., Electric Power Investing Corporation, Electrovita Pacific Sales Incorporated, Elcor Products Corporation,

PROCLAMATIONS

Electric Separation Company Ltd., Electric Supply Corporation of America, Electric Safety Lamp Corporation, El Tee Gee Realty Company, Electric Welding Company, Elastic Weave Products Inc., Elliott Creek Mines Inc., Elm Construction Company, Elton Company, Elwin G. Kreitzer, Incorporated, Ellison Kamra Company, Elsner Manufacturing Corporation, Ellwood Novelty Co., Elmira Natural Gas Corporation, Elmar Petroleum Corporation, Ellanbee Products Co., Elsey River Transportation Line Inc., Engineering and Accounting Inc., Emerald Bay Corporation, Ltd., The, Empire Barber & Beauty Supply Company, Empire Broadcast Corporation, Emulsio Company, Inc., Endurette Corporation of America, Equitable Co-Operative Realty Company, Enterprise Furniture Factory Inc., Engle Holding Corporation, Emelite, Incorporated, Equitable Investments, Inc., Engineers Investment Corporation, Enterprise Lime & Ballast Company, Engineers Machinery Corporation, Equitable Mortgage Securities Co., Inc., Empire Negotiation Corporation, Empire Petroleum Corporation, Empire Royalty & Investment Company, Englewood Securities Corporation, Equipment Sales Co., Inc., Empire State Gas Corporation, Erwin Corporation, The, Ernest Di Sandro Inc., Erie Expo Kennel Club, Ernie's Lunch Rooms, Inc., Ernall Pen and Pencil Corporation, The, Erie Pipe Line Company, Eugene A. Smith Incorporated, Estate Counsel Inc., Essex Company, Eureka Discount Corporation, Esskay Finance & Surety Corporation, Esskaye, Inc., The, Eureka Investment Company, The, Establishments Marcel, Inc., European Relay Motors Export Corporation, Esplen Sons & McNaught, Inc., European Trading Corporation, Eva and Amundsen Incorporated, Extension Advertising Service Corporation, Exchange Building Corporation, Exportex Corporation, Exploration Company of California, Exchange Corporation, Exposition Car Company, Everhot Corporation, The, Eynon-Evans Corporation, Exchange Fixture Company, Inc., Ever Flash Butter Corporation, Even-Heat Electric Products Company, Excelsior Holding Corporation, Exports & Imports, Incorporated, Ewing Jones & Higgins, Inc., Everedge Products Corporation, Everite Products Company, Excelsior Ranch, Inc., Ltd., Exchange Securities Corporation, Ezell Service Corporation, The, Ever-Tite Lock Nut Co.

F. A. Libbon Management Co., F. A. Collins, Inc., Fairfax Apartment Corporation of Buffalo, The, F. B. H. Service Bureau,

PROCLAMATIONS

Inc., The, Famous Cleaning and Dyeing Company, Falvan Corporation, Fahnsstock Devices Corporation, Fairview Fruit Packing Co., Ltd., Family Funding System, Inc., F. H. Korff Company, Inc., F. H. Duehay, Inc., F. & H. Realty Company, Inc., Fairmount Oil Company, Inc., Famous Orchestras of America, Inc., F. R. Muller Installation Co., F. S. Barnes Investments Corporation, F. S. Reed Co., Inc., F. & S. Construction Company, F. W. Shanbacher Agency, Incorporated, Farcon Company, The, Far Eastern Investment Corporation, Farmers Land Corporation, Farm Mortgage Owners, Inc., Farm Tax Deed Corporation, Far West Manufacturing Company, Fashion Creators Guild, Inc., Fashion Lane Clothing Company, Fayro Laboratories, Inc., Federal Alloy Steel Corporation, Federal Bonded Service Company, Federal Bond Agency, Inc., Federal Broadcasting Corporation, Feltonville Bowling Recreation Inc., Federal Cereal Mills Inc., Federal Commercial Protective Association, Federal Exterminating Company, Inc., The, Federated Fruit and Vegetable Growers, Inc., Federated Growers Credit Corporation, Fenton Gold Mining Corporation, Feminine Hygiene Institute of America, Inc., Federated Industries, Inc., Federal Loan & Guarantee Company, Feinstein's Modern Garage Inc., Feldspar & Mica Corporation, Federal Mortgage Company, Federal Protective Bureau, Inc., Feldspar Products Company, Federal Reserve Life Company, Fenix Shoe Stores, Inc., Federal Sanitation Corporation, Fenway Theatres, Inc., Fergana Engineering & Construction Co., Fernleaf, Inc., Ferrous Salvage Corporation, Ferguson-Willis Oil Company, Fifth Avenue Investors Inc., Fidelity Associates Inc., Fidelity Credit Bureau, Inc., Fidelity Funding Service Inc., Fidelity Lodge No. 25, I. O. O. F. of Frankford, Delaware, Filtertone Manufacturing Company, Inc., Fidelity Manufacturing Company, Fidelity Petroleum Inc., Fidelity Public Service Company, Fidelity Trading Company of California, Limited, Fidelity Trusteed Shares Corporation, Fidelity Title Company, Fidelity Union Corporation, Fill-Well Co., Inc., First American Investors, Inc., Finance Control System, Inc., Finkelstein & Company, Inc., First Diversified Bond Depositor, Inc., First Iowa Bancorporation, Financing Loan Service, Inc., First Milaca Company, The, First National Trusteed Shares Corporation, Financial Statistics, Inc., Fiscal Agents, Incorporated, Fisher Plan Loan Corporation of Oklahoma City, The, Fisher Ranch Corporation, The, Fish-Rutherford Inc., Fitchburg Manufacturing Corporation, Fitkin

PROCLAMATIONS

Securities Corporation, Fitkin Utilities, Inc., Flash Auto Laundry, Inc., Fleishman Brokerage Co., Inc., Fletcher Engineering Company, Flax Industries, Incorporated, Fleming Motor and Utilities Co., Flavor Products Company, Flash Sales Company, Incorporated, Fla-Vo-Krisp Co., The, Flurer Company, The, Fluin Company Inc., The, Floorola Corporation, The, Florex Groves, Inc., The, Florida Grocery Company, Inc., Flowar Inc., Florida Keystone Fruit Incorporated, Florence Mining and Milling Company, Fluid Power Company, Florence Vincent, Inc., Folds Buck Financial Corporation, Fontana Co., The, Foltis-Fischer Incorporated, Folmar, Jones & Company, Inc., Followers of Jesus Rescue Army Incorporated, The, Fooks and Matthews Company, Food Service Corporation, Fox Chicago Theatres Co., Fourth District Securities Corporation, Forest Fur Farm, Inc., Forson Finance Company, Foreign Gear-Shift Company, Inc., Ford Gum Company, The, 4-H Publishing Company, Four Horsemen Inc., The, Ford Investors, Inc., Fort Meyers Farm Products Inc., Ford Radio and Accessory Corporation of America, Founders Realty and Trust Corporation of America, Fountain Shaving Brush Corporation, Franco American Patents Incorporated, Frazier Accelerator Company, Frances Building Company, Frank Clendaniel & Company, Franklin Farms Inc., Frank H. Langmuir, Inc., Franklin Hat Works, Inc., Frances Holding Corporation, Frank H. Johnson Company, Fracy, Inc., Frank J. Graham, Inc., Frank J. Cremen, Inc., Frank J. Yeeger Co., Frank P. Parish & Co., Franklyn R. Muller, Inc., Frank S. Dykes Company Inc., Franklin Studios, Inc., The, Franklin Supply Co., Inc., Franklin Trostle Motor Sales Company, Franks Universal Patents Co., Inc., Freezum Air Cooler Corporation, French-American Glass Company, French Cosmetic Mfg. Co. Inc., Fredonia Fluorspar Company, Freightways, Inc., Freshdaily Prepared Food Co., Freund Plumbing & Heating Corporation, The, Frenly Products, Inc., Freiburg Passion Play in English Inc., Fred Schnider Company Inc., French Venezuela Oil Corporation, The, Frontenac Apartment Corporation, Friends Commercial Company, Frischkorn Construction Company, Frozen Flip Corporation of America, Friedlanders, Inc., Fruitful Manor Farms, Inc., Fruitvale Test Well No. 1 Inc., Furnace Brook Park Corporation, Fulton Blackfeet Oil Co., Fuel Consumers Association, Inc., Furniture

PROCLAMATIONS

Finance Corporation, Fuel Oil Motors Corporation, Fuel Products Company, Furniture Stores Corporation.

Gainor Company, Inc., The, Gaither Coal Co., G. E. Manos Baking Company, G. F. Willis Inc., G. H. Selden and Company, G. L. Ohrstrom & Co., Inc., Gamma Pharmacal Corporation, G. W. Holman and Company, Incorporated, G. W. Chance Corporation, G. W. Kalweit & Co., G. W. Realty Company, Gasway Corporation, Gately Chain Stores, Inc., Gas Engineering Co., Inc., The, Gasoline Recovery Corporation, Gas Ridge Development Company, Garden State Farmer Publishing Co., Inc., Gas States Corporation, General Automotive Combustion Corporation, General Aggregates Corporation, General Automatic Service, Inc., German-American Tobacco Company, Incorporated, George A. Glenn Inc., General Automatic Lock Nut Sales Corporation, General Builders, Inc., General Banking Corporation, General Building and Funding Corporation, Ger-law Corporation, The, George C. Read, Inc., Georgetown Coffee Pot Co., Inc., General Combustion Corporation, General Chain Corporation, George County Bridge Company, General Credit Company, General Corporations, Ltd., General Control Corporation, General Devices Corporation, General Engineering Corporation of Pennsylvania, Geiger Electric Co., of Reading, Pennsylvania, General Engineering Corporation of Pennsylvania, George Enos Throop, Inc., Geophysical Exploration Company, General Finance and Holding Corporation, General Farm Products Corporation, General Fibre Coöperage, Incorporated, General Flavoring Products Company, General Finance Service Corporation, The, General Fabricant Corporation, General Gas Producer Corporation, General Gas Generator Co., George Graham Rice Corporation, General Gold Mines, Inc., General Heat and Power Corporation, Georgia Hotels Corporation, General Improvement Finance Corporation, General International Corporation, General Investors Inc., George Jefferson, Inc., Georgetown Lunch, Inc., General Laundry Machinery Corporation, General Laundry Machinery Corporation of California, General Motor Finance Co., Geo. M. Marshall, Inc., General Mines Corporation of Bolivia, General Mineral Development Company, General Ore Concentration Company, General Oil Products Company, General Petroleum Corporation, General Preservatives Corporation, General Pictures, Inc., General Poster Advertising Co.,

PROCLAMATIONS

Gerhart Patent Company, The, General Power Company, General Radio Finance Corporation, General Reclamation Heat & Power Foundation, Inc., General Radio & Equipment Co., Gerden Realty Company, George R. Elder Company, General Real Estate & Trading Corporation, General Shareholders, Inc., General Supply Corporation, General Sales Corporation of Mobile, General Securities Corporation of America, Gem Shoppe, Inc., The, General Sales Company, General Stores Corporation Ltd., General Silk Importing Company Inc., General Steel Products Company of Pennsylvania, General Surveys and Management Corporation, General Silk Corporation, General Title Insurance Shares Corporation, Ltd., General Theatres Equipment Inc., General Tire Co. of Norristown, Inc., General Tire Company of West Philadelphia, General Tours Inc., General Utilities Acceptance Corporation, General Utilities & Investment Company Inc., George Washington Bi-Centennial Bureau, Inc., General Watersofteners, Inc., Geo. W. Nock Co., Inc., George W. Webster Company, Gibson Lumber Company Inc., Gibraltar Oil Corporation, Gibb Process Corporation, Giebeler Visible Ignition Corporation, Gillingham Bowman & Co., Given Corporation, The, Gilliland Company, The, Gillican-Chpiley Company, Girard Engineering Company, Ginsburg Furniture Co., Inc., Gilbert's Inc., Gimbels Incorporated, Gile Merchandising Bureau Inc., Girard Publishing Company, The, Gilbert Products Corporation, Girard Shirt Corporation, Gillette Severy Clark, Inc., Limited, Gill Service Stores, Inc., Glenny-Buick Company, Inc., Glowcard Corporation, Glenfield Farm Products Co., Inc., The, Glendale Holding Company, Glacier Mountain Mines Inc., The, Globe Petroleum Corporation, Glacifer Systems Inc., Globe Television Corporation, Glen-Tex Petroleum Co., Godbe Filtration Engineers Corporation, Ltd., Godwin, Pratt & Parsons, Incorporated, Godshall, Ritter and Rittenhouse, Incorporated, Goddard Securities Corporation, Gold Basin Mining Company, Gold-Brager Company, Inc., Golden Eagle Petroleum Corporation, Gold Hill Mining & Milling Company, Gold, Incorporated, Gold Recovery Corporation, Golden Reward Leasing Corp., Gold Seal Associates, Inc., Goldsmith Sales Corporation, Golden and Sons Inc., Gopar Corporation, The, Goody-Good Stores Inc., Goodwin-Hickey Corporation, The, Good Luck Mining Company, Good Roads Investment Company, The, Good Samaritan Fraternity, Inc., The, Goodwin Side Bearing Co., Inc., Gopher Truck

PROCLAMATIONS

Lines Incorporated, Gore Co., General Contractors, The, Government Employees Association, Gorsky Freres, Inc., Gottlieb Fish Cake Co. Inc., Gordon Gasoline Co., Gorman and Levin, Inc., Gordon Square Building Company, The, Gordon-Zelli Productions, Ltd., Gramercy Corporation, Graham Vallee Inc., Grand Central Public Markets Company, Granville Corporation, The, Grape Concentrate Distributors, Inc., Graphy Color Inc., Granger Calcium Products Inc., Gravity Carbonator Company, Grand Lodge Convention Committee of I. B. P. O. E. of W., Inc., Grays Motor Freight, Inc., Gray Oil Company, Grant Sanitarium, Inc., Great Corporations of America, Greater Finance Corporation, Greene Furnace Corporation, Great Lakes Industrial Corporation, Great Lakes Aircraft Corporation, Great Lakes Laundries, Inc., Greater M. & S. Circuit Inc., Great Northern Electric & Television Corporation, The, Great Northern Gas and Utility Company, Great Northern Mercantile Co., Great National Securities Company, Greensburg Photo-Engraving Co., Inc., Greater Pittsburgh Memorial Park Sales Corporation, Green Pond Golf Club, Great Southern Petroleum Company, Ltd., Great West Mines, Inc., Great White Sands Gypsum Co., Great Western Holding Company, Ltd., Greiner Baking Co., Inc., Greyhound Gas Corp., Griswold Management Company, Grism and Page, Incorporated, Griswold Safety Signal Company of Delaware, Growart Corporation, Groetzinger & Company Inc., Ground Construction Corporation, Grout Engineering Company, Inc., Ground Gripper Shoe Company, Inc., Grolan Manufacturing Company, The, Grover Williams Co., Gulf American Oil Corporation, Guardiare Agency, Inc., Guaranteed Appliances, Inc., Gulf Coast Royalty Corporation, Guaranty Commercial Company, Inc., The, Gunn-Dee Products Corporation, Gulf Development Company, Guardian Finance Corporation, Gulf Finance & Securities Company, Guarantying and Land Appraisal Co., Gummerson and Martin Incorporated, Guardian National Corporation, Gum Rub Corporation, Guilbert & Snyder, Inc., Guardian Securities Corporation of Texas, Guatemala and Salvador Railway Company, Guaranteed Trouers Company, Guardian Warehousing Company.

H. A. Goldstein Inc., Hadden & Company, Inc., H. C. Ambler Co., Hacklebarney Company, Inc., The, Haertel Company, The, H. E. & G. R. Holden, Inc., H. E. Dean Plumbing & Heating Co.,

PROCLAMATIONS

H. F. Chaiken, Inc., H. Herbert Hirzel Inc., H. L. R. Co., H. L. Harris & Company, Inc., H. M. Shapiro Company, H. Haffel, Inc., Hagerstown Independent Oil Company, Halite Corporation, The, Hale Chrome Process Company, The, Hall Office Equipment Company, Halle Productions, Inc., Hammar Co., Inc., Hamilton Finance Corporation of America, The, Hamilton Ice Company, Hamilton International Corporation, Ham J. Farrell Company, Inc., Hamilton Loan Company, Hamilton Maxwell Corporation, The, Hammondsport Natural Gas Corporation, Hamilton Securities Corporation, The, Handy-Andy, Incorporated, Hanjon Company, Inc., The, Handman and Goodman, Inc., Hanson Harvester Corporation, Happy Landings, Inc., Handiway Markets, Inc., Hancock Realty Company, Inc., Harland Corporation, Hare & Chase Inc., Reorganization Company, Harlan Coal and Coke Company, Hargrove Development Company, Inc., Harold G. Woods and Company, Inc., Hardwood Manufacturing Company, Harbar Oil and Gas Co., Harrington Emerson Counselors, Inc., The, Harry H. Culver & Co., Ltd., Harrison's Heart O'Orange Inc., Harry J. Wolf International Associates, Inc., Harrison Manor Building Corporation, Harrington Milling Company, Harrison W. Rogers, Incorporated, Harwood Corporation, Harter Copper Mining Company of Delaware, The, Hartford Coal Co., Harvesters Engineering Corporation, Hartman and Fehrenbach Products Co., Hart Garages, Inc., Harvard Hall Apartment House Company, Hartford Motor Industries, Inc., Hartsville Packing Corporation, Harvard Radio & Television Co., Inc., Hartsook-Rennick Co., Harvey S. Smith, Inc., Harvard Tube Stores Corporation, Harvey W. Sieg, Inc., Hawkeys Corporation of America, Hausmann and Company, Havana & Domestic Leaf Tobacco Growers Corporation, Hawaiian Fruit Products Company, Limited, Hathol Investment Company, Hawley Incorporated, Haus Recreation Parlor, Inc., Hay-Adams House, Inc., Hayden Corporation, The, Hayden-Davis Engine Co., Inc., Hay & Hammond, Inc., Health Appliances, Inc., Healthway Bedding Stores, Inc., Healy Consolidated Oil Corporation, Heart Lake Fur Ranches Incorporated, Hecht-Lears, Inc., Hellenic American Trading Company, The, Heminway & Dickson, Inc., Heli Gyro Aeroplane Manufacturing Company, Helene Holding Company, Heilprin Realty Company, Henrik Eklof Dental Co., Inc., Herriman Avenue Building Corporation, Hercules Credit Corporation, Hebrick Company, The, Herberts Engineering Com-

PROCLAMATIONS

pany, Inc., Herb Juice Corporation, Herman Lewis, Inc., Hernando Land and Development Company, Herman Saks & Sons Inc., Hexine Tooth Paste Company, Incorporated, Hiddenite Granite Company, Higuero Oil Company, Hi-Power Service Stations Inc., High Powered Gasoline Company of Pa., Highland Park Building Corporation, High Sierra Transport Company, Hildebrand Apartments, Inc., Hilift Body Co., Hildred of Hollywood, Ltd., Hilbor Products, Inc., Hitchner Sales Corporation, Historical Cinema Association Inc., Hinkle Company, Historical Press, Inc., Hirsch Roofing Compound Company, Hipple Realty Company, Hirt Solvent Process Company, Hitchner Tire Corporation, Hodgson & Co., Inc., Hoke Cotton Mills, Inc., Hoge Development Company, Holly Bluff Bridge Company, Holland Candy Company, Hollister Engineering Corporation, Hole-In-One Inc., Hole-In-One Products Corporation, Holly-Oak Farms Inc., Holland Products Sales Company Inc., Hollywood Riviera Building Association, Holman, Watson & Rapp Securities Corporation, Hollis-Warren Engineering Company, Holrud Corporation, Holmes and Company, Holton Printing Company, Inc., Home Building & Improvement Company, Honor Crest Associates, Inc., Homfreze Corporation, The, Honey Dew Inc., of Illinois, Home Electric Furnace Heating Company, Hopkins-Hancock Co., Inc., Home Mutual Loan Association, Homes Permanesque of America Incorporated, Home Plate Filling Station, Inc., Home Royalty Association Inc., Homosassa Springs Associates Inc., Homa Shingle Corporation, Home Service Beverage Company, Home Soda Fountain Manufacturing Corporation, Home Weekly, Inc., Horsman Dolls, Inc., Horn Holding Company, Hosiery Clocking Corporation, Household Commodities Corporation, Household Equipment, Incorporated, Hosiery Machine Corporation, Hospital Products Corporation of America, Houtex Production Company, Household Products, Inc., Houston Specialty Corporation, Houston Sales Company, Inc., Howell Company, The, Howard & King, Inc., Howellville Quarries Inc., Howarth Roofing & Heating Company, Huaco Oil Company, Hudson River Navigation Corporation, Hughes Bros., Inc., Hughes Built Homes, Incorporated, Hume C. Young, Inc., Hume C. Young & Company, Humidor Cigar Company, Human Defense Products, Inc., Hugh Evans & Company, Hughes & Gordon, Inc., Hughes Lumber Corporation, Hultgren Mortuary Incorporated, Hunter Brothers, Inc., Hurlbutt Gas Company, Huston Holding

PROCLAMATIONS

Company, The, Hussmann Oil and Development Company of Delaware, Huntington Park Mercantile Finance Corporation, Hurlburt Research Corporation, Hus-Tex, Inc., The, Hydraelectric Control Corporation, Hydrogenation Management Corporation, Hydro-Plant Corporation, Hutchison Spaces, Inc., Hutton Television-Radio Corporation, Hydraulic Transmission Corporation of America.

I. A. Morris Co., Inc., Ideal Building Units, Inc., Illinois Building Company, The, Igloo Corporation of America, The, Idaho Copper Corporation, Icy Fruit Roll Corporation, Iacocoa Improvement Company, Ideas, Inc., Illinois-Kentucky Bridge Company, Illinois Natural Gas Company Inc., Ideal Oil & Gas Company, Ideal Products Manufacturing Co., Illinois Refrigerator Sales Company, I. R. Torchans Inc., I. Shandleman & Co., Ideal Specialty Manufacturing Co., Insurance Adjusters, Inc., Industrial Acquisition Corporation, Indiana Agency Development Corporation, Industrial Book Co., Inc., Independent Business Men's League, Inc., Industrial By-Products Corporation, Insurance Brokers, Inc., Industrial Bankers National Association, Inc., Inabine Co., Inc., The, Inland Contracting Corporation, Industrial Chemical Products Corporation, Instant Coffee Corporation, Independent Church of America, Inc., Industrial Credit Corporation of America, Insurance Companies Corporation Ltd., Industrial and Commercial Securities Corporation, Industrial Corporation of Uniontown, Industrial Directors Corporation, Income Distributors Incorporated, Industrial & Educational Films Incorporated (Far East), Inland Gas and Oil Company, The, Indiana Gas & Oil Company, Industries International, Incorporated, Industrial Investment Company, Inc., Inland Investment Company, Insurance Investment Corporation, Insurance Investors Corporation Ltd., Income Investments Inc., Industrial Managers, Inc., Institute of Modern & Practical Cookery, Inc., Indian Meridan Mercantile Corporation, Independent Pennsylvania Oil Company, Index Publishing Company, The, Industrial Research Laboratories, Inc., Industrial Research Capital Corporation, Industrial Rediscount Corporation, Ltd., Institute of Scientific Cookery, Inc., Independence Security Corporation, Industrial Spray-Drying Corporation, Indian State Oil Company, Independent Union Motion Picture Operators of America, Industrial and Utilities Appraisal Company, Inc., Insurance Underwriting Corporation, Independent Universal Spiritual

PROCLAMATIONS

Association, Industrial Workers Corporation, Industrial Welded Alloys Inc., Interstate Advertising Service Incorporated, Investment Acceptance Corporation, International Air Express, Inc., International Automatic Supply Company, Inc., Inter-American Air Lines, Inc., Investment Associates of America Incorporated, Investment Assurance Corporation, Inter-American Fruit Corporation, Investment Bond and Mortgage Company, Inter-Cities Motor Freight Co., International Construction and Holding Corporation, Intercontinental Construction Corporation, Inter-Cities Chain Advertising Inc., International Commercial Club, Interstate Casualty Company, Investment Counsellors Inc., Intercontinental Distributors, Incorporated, International Distributors Association, Inc., International Davit & Manufacturing Corporation, Inventors Engineering Company, Inventions Exploitations Corporation, The, International Electrical Patents Company, International Fur Breeders' Association Incorporated, International Founders Corporation, Interstate Flying Corporation, International Gasifier Corporation, International Gold Explorers, Inc., International Gold Securities, Incorporated, Interstate Holding Corporation, International Hide Brokers Incorporated, International Health Corporation, International Highspeed Copper Company, International Investment Trust, Incorporated, International Investors Protective Association, Inc., Inverness Investment Corporation, The, International Linen Ginning Company, International Motorists Service Association of Pennsylvania, International Marine Salvage Corporation, International Mineral Products Corporation, Investment Mortgage and Securities Company, Inter-Professional Finance Co., Interstate Properties Corporation, Inter-Professional Finance Co., International Publishing Corporation of America, Intercontinent Petroleum Corporation, Interocean Petroleum Company, Interstate Petroleum Company, Interstate Pictures Corporation, International Rex Breeding Corporation, Investment Research Associates Inc., Intercontinental Radio Corporation, International Railroad Employees Corporation, Interstate Residences, Inc., International Sound Recording Corporation, Inter-State Corporation Company of America, Investment-Savings Corporation, International Spruce Products Company, Investors Security Foundation, Inc., International Safety Boat Corporation, Interstate Service Corporation, International Sanitex Corporation, Investors Securities Corporation of Washington, D. C., Investors' Service Corporation,

PROCLAMATIONS

International Stock Food Company Inc., Interlocking Steel Structures Corporation, International Tung Oil Corporation, Investment Trust Distributors, Inc., International Travelers Association, Inc., International Television Corporation, International Trustees Corporation, International Traffic and Transport Association, International Utility Bond and Share Company, International Visible Systems Corporation, International Voice Recording Corporation, International Wood Preserving Lumber & Shingle Treating Company, Iowa Agency Development Company, Italia American Marble Importing Company, Inc., Iris Company, The, Isaacs and Company, Iron City Construction Company, Ira E. Fasnacht Inc., Iowa Farms, Incorporated, Irwin Gas Combustion Company, Iron Hydroxide Company, Irwins Incorporated, Iron Mountain Agencies, Incorporated, Irving Oil Company, Iowa Public Utilities Company, Iodine Products, Inc., Italian Republican League, Iris Shipping Company, Inc., Italian Stores Corporation of Philadelphia, Iowa State Realty Company, Iowa Southern Telephone Company, Irvin Theatre Corporation, Iowa Utility Securities Company.

J. A. Kelly Company, Inc., J. A. Siegel, Inc., J. B. Darlington Manufacturing Company, J. B. Winward & Son, Incorporated, Jackson-Babbitt Inc., J. B. Shannon Hardware Company, J. C. Radiator Corporation, J. C. Little, Inc., Jamestown Citizens Corporation, J. Carey King, Inc., Jackson Construction Company, Inc., Jasper Corporation, J. & D. Securities Corporation, James Davis Wall Paper & Paint Co. of Michigan, J. E. Marsden Glass Works, Inc., J. F. Shiel & Sons Live Stock Exchange, Inc., J. F. Gillis Store Co., J. G. Herbert, Inc., J. G. Knight Co., Inc., J. H. Winn Manufacturing Corporation, J. H. Crouse & Co., James, Incorporated, J. I. Corn Company Inc., Jane's, Inc., J. J. Reynolds & Company Incorporated, J. K. Chaconas & Company, Inc., J. L. Terry & Co., Inc., Jacob Mathes Incorporated, Jasper Mining Company, J. M. Hoyt & Co., James Neon Double Electrode Corporation, J. R. Peters & Co., J. R. Clark Company, J. R. and J. A. Whelan Inc., James Realty Company, J. Stewart & Co., James Scott Company Incorporated, Jackson Supply Co., J. T. Christian, Inc., James T. Strahan Co., James T. Blue Chemical Company, Incorporated, James W. Byrnes Shellac Company Inc., Jenkintown Bowling, Inc., Jesstanheisse Corporation, The, Jewish Center, Inc., Jiffy Corporation, Jefferson Gas Company,

PROCLAMATIONS

The, Jesse L. Bowling, Inc., Jim Tormay Incorporated, Jenkins Television Corporation, John A. Ackley Son-W. M. Hawthorne, Inc., John A. Miller Company, John Blue & Co., Inc., John B. Ginechesi Co., Inc., John E. Bailey & Co., Inc., John F. Meyer & Co., Inc., John Gillespie, Inc., John H. Mackey, Inc., Johnson Investment Company, Jodzies Inc., John Malina Company, John M. Readey Inc., Joliet Macaroni Company, Johnson's Products Corporation, Joiner Petroleum Corporation, John P. Gorman Coal Company, John Sparr Schaffer & Company, John Wills Inc., Jones Aviacraft Corporation, Joseph Adam and Son Inc., Jondan Corporation, Jones Concrete Products Company, Joseph Devereux, Inc., Jordan Realty Corporation, Joslin Research Laboratories, Inc., Jones Specialty Co., Inc., Josephine Steel & Coal Company, Joseph Shwartz Corporation, Junior Coal Company, Julep Cigarette & Tobacco Corporation, Julius H. Reiley, Inc., Juvenile Magazine Publishing Co., Inc.

K. and B. Company, Kaltenbach and Stephens, Incorporated, Kaline Water Company, Incorporated, Kansas Agency Development Company, Kansas City Beef Company, Kaolin Corporation of America, Karp Clothing Company, Kansas City-Texas Gas Company, Kay & Dilks, Inc., Kaybar Electric Company, Karsten Forecasts Inc., Kandle Grate and Blower Company, Kass Hardware Co., Kauffman Industries, Inc., Karsax, Inc., Kaplan, Inc., Kaplan Lamps Inc. Kantar Provision Company, Kaser Process Pie Company, Kapless Tubes Inc., Kanawha Valley Gas Company, Keiskama Corporation, Kearney Candle Company, Incorporated, Keeler Investment Company, The, Kemplate Inc., Kellman Laundry Machinery Co., Kentucky-Arkansas Oil & Gas Co., Inc., Kennett Advance Publishing Company, The, Kentucky-Bell Corporation, The, Kenyon Company, Incorporated, The, Kennedy Homes, Inc., Kentucky Natural Gas Company, Kenokla Oil & Gas Company, Kendall Oil & Gas Company, Kenmar Orchard Company, Kentucky Pioneer Coal Company, Kennedy Realty Corporation, Kentucky Sportsman's Association, Kentucky State Telephone Company, Kennedy-Warren Inc., Keokuk Water Power Lighting Company, Keystone Capital Corporation, Keystone Corporation, Keystone Food Stores, Inc., Keystone Holding Company, Keystone Machinery & Equipment Co. Inc., Kerr Oil-Gas and Investment Co., The, Keystone Oil Company of New York, Keystone Realty Mortgage Co., Keystone

PROCLAMATIONS

Renovating Corporation, Keystone Thrift & Investment Company, Keystone Wholesale Co., Inc., Kier Castype Corporation, Kidwell-Graver Corporation, Kiddie Gym Company, Inc., The, Kipling Corporation, King Company, Kingtan Extract Co., Kirby Holding Co., King's Horses Amusement Co., Inc., The, Kinograms, Inc., Kiwi Mfg. Co., Inc., King Publishing Company, Kloman Motor Corporation, Klean-Rite Auto Laundry of Delaware, Inc., Klen-Zit Company, Knoll-Brayton Aeronautical Corporation, Knoxville Journal Inc., Knapp and Tubbs Inc., Knit-Wick Corporation, Koeln-American Trust & Finance Co., Inc., Kohr's Custard Stores Inc., Kodel Electric & Manufacturing Company, The, Koldlade Asphalt Products Company, Inc., Kolbalm Chemical Company, Incorporated, Kolster Corporation, Korn-Kjellin Corporation, Kot-N-Wood Products Co., Inc., Korecto Products Corporation, Kolster Radio Corporation, Kruse Construction Company, Kramedas-Hudson Company, Kraus Mineral Process Corporation, Kraft-Phenix Shares Inc., Krosby & Shellhamer, Inc., Kynaston & Company, Inc., Kunz Chemical Co., Inc., Kushequa Ceramic Co., Kushindrop Ladder Company Ltd., Kuit Mines Company, L. A. Pacific Macaroni Co., Ltd., La Cumbre Mining Company Inc., La Cholla Mining Company, Ltd., Lakewood Company, The, Ladin's Company, La Compania L. E. Myers De Cuba, La France Television Company, La Fe Mining Corporation, La Fourche Fur & Trapping Co., Inc., L. F. Randolph & Co., Lakes to Gulf Oil Company, La Grange Corporation, L. G. Molina & Co., Inc., Lake & Hennepin Holding Company, L. L. Davis Company, La Mothe Electric Oil Comb Corporation, Lackawanna National Investing Corporation, L. N. Scott, Inc., Lagomar Oil Concessions Inc., Lacefield Oil & Gas Corporation, The, La Paloma Mining Corporation, Lake Ports Supply Company, The, L. R. Bell Company, Inc., LaRue Studios, Inc., Lake Superior Fox & Fur Co., La Salle Aircraft Corporation, Lake Superior Game & Fur Farms, Inc., La Salle Securities Corporation, L. T. Brooks & Co. Incorporated, Lambert Aircraft Engine Corporation, Lambert Chemical Co., Inc., Lambert's Fruit Market, Incorporated, Lamport Holding Company Inc., The, Lambert Machine Tool Corporation, Lamberts Remedies, Inc., Lambert-Simpton-Millis Incorporated, Lancaster Co., Ltd., Land Development Company of Washington, D. C., Landis Nagle, Kain & Pippin, Inc., Land O'Lakes Oil & Gas Corporation, Langendorf Baking Company, Lang & Company Inc., Langer Fuel Saving

PROCLAMATIONS

Corporation of America, The, Lang & Harris Inc., Lapaz Corp., Lansford and Company of Delaware, Latin American Newspapers Syndicate Inc., Latherite Company Inc., Latherizer Corporation, The, Lasalle Hotel, Inc., Lauson Corporation, The, Lavita Company, Laughlin Filter Company, Laub's, Inc., Lavaca Oil & Gas Company, Laurel Pure White Marble Company, Law and Finance Building Inc., Laxipop Manufacturing Corporation, Lawrence Stone & Setting Company, Le Blanc Motors, Incorporated, Leach Corporation, The, Leatham D. Smith Incorporated, Leaberry Gas & Power Company, Incorporated, Le Roi Parfum, Ltd., Le Roy Livingston, Incorporated, Lebanon Southern Realty Corporation, Lee Tobin Distributing Corporation, Lehigh Corporation, The, Legal Ledger, Inc., Lehigh Milling Company, Inc., Leola Farms Co., Leonard, Fitzpatrick, Mueller Stores Co., Len N. Gillette Co., Letbar Corporation, Lettering Devices Incorporated, Leston Investment Company, Lever-Motors Corporation, Lerner's Market, Inc., Lewiston Corporation, Lew Dufour-Terry Turner, Inc., Lewis & Kerlin Inc., Liberty Brush Co., Liberty Chemical Company, Liberty Distributors, Inc., Liberty Foundation Finance Corporation, Liebster, Inc., Liberty Investment Securities Company, Liberty Land Company, Liberty Meat Market Company, Li-Ni Oil and Gas Co., Liberty Packing Corporation, Liberty Packing Sales Corporation, Liberty Productions Co., Ltd., Liberty Theatre Company, Lincoln & Associates Inc., Lincoln Aircraft Company Inc., Linde Carbonic Ice Company, Ltd., Link Engineering Corporation, Lincoln Holding Corporation, Lincoln Securities Company, Lloyd's (China) Publishing Company, Liquilox Company, Ltd., Little & Co., Livermeal Corporation, Lloyd Employees Royalty Company Incorporated, Little Giant Manufacturing Co., Litt Meat Stores, Inc., Liquid Marble Corporation, The, Little Neck Swimming Pool, Inc., The, Lloyd Oil Corporation, Listed Shares Corporation, Lithia Springs, Incorporated, Llantín Seven Mines, Incorporated, The, Locklip Company, The, Lock Chemical Company, Locust Holding Corporation, Loanette Inc., Logan Auto Co. Inc., Logan Construction Company, Logophone Corporation, Lodge Poster Advertising Co., Logue Realty Company, Logan Stores Co., The, Logan Sales Corporation, Looney and Anderson Inc., Long Beach Hotel Company, Lorraine Corporation, Long Island Sewage & Garbage Corporation, Longworth Royalties Inc., Lone Star Royalties, Inc., Long View Oil and Gas Company,

PROCLAMATIONS

Louis' American and Italian Restaurant Inc., Los Amigos Industries, Inc., Los Angeles Polyclinic, Inc., Los Angeles Post Graduate Medical College, Inc., Louis Klein Corporation, Louis Philippe Inc., Loyalsock Development Company, Inc., Lowenstein & Henry, Inc., Lowden, Inc., Lowry Manufacturing Company, Inc., Lower Village Holding Corporation, Lubricite Company, Inc., The, Lubriplate Corporation, Luce Cane Harvester Corporation, Luxenberg's Inc., Lumichrome, Incorporated, Lubrite Refining Company, Luclar Stables, Inc., Lyndale Lake Radio Sales Company, Lyons Radio Sales Incorporated.

MacCallum Inc., Macolite Container Corporation, Machinery Equipment Corporation, Macmillan Fehlman and Oliver, Inc., M. & H. Holding Corporation, The, Mabelite, Inc., MacKinnon Incorporated, M. and M. Chemical Corporation, M. & M. Oil Company, Macnish Mfg. Co., Inc., Mack Postograph Company, Maclachlan Record Sales Service Company, M. Rosen Bros. & Co., M. S. F. Corporation, MacDonald Tire Co. Inc., M. & W. Refrigerator Corporation, M. Y. Neely Constructors, Inc., Magnegraph Corporation, Ltd., Magic City Placer Co., Magistrates, Constables, Justices and Officials Association, Maerose Fruit Corporation, Magalia Nuggett Mining Company, Ltd., Madrona Oil & Supply Co. Inc., Madrillon Pastry Shop Inc., Magdalena-Santander Oil Fields Corporation, Madison Securities Corporation, Maidstone Boatyard Corporation, Main Line Daily Times Inc., Mail-O-Press Holding Corporation, Major Oil Company, Maizewood Products Corporation, Majestic Weatherstrip Co., Inc., Make Your Own Gas Corporation, Malcolm Corporation, The, Mallard & Company, Maloney Inc., Malibu Maritime Corporation, Ltd., Mammoth Royalty Corporation, Mal-Tex-Mex Inc., Manhasset Corporation, Manufacturers & Dealers Discount Corporation, Maple Grove Fruit Farm, Inc., Manx Hotel Company, Manhattan Investment Company, Manbuilders, Inc., The, Manhattan Millinery Stores, Inc., Manufacturers Outlet, Inc., Manitou Park Development Corporation, Manufacturers' Sales Corporation, Mangus Silver Mining Company, Mfg. Tire Tread Corporation, The, Manning Trading Company, Manetor Thermo-Pac, Inc., Mara Construction Co., Marcus Company, Inc., The, Mari Dining Room, Inc., Marine Decking and Supply Company, Marengo Farms, Inc., Marine-Galligan Co., Margolis Holding Company,

PROCLAMATIONS

Marad Holding Corporation, Maripa Investment Co., Margaret Lane, Inc., Marblox Manufacturing Co., Inc., Marie McRae Temple Corporation, Margarita Oil Fields Corporation, Marine Oil & Gas Company of Jackson, Mississippi, The, Marigold Restaurant Company, Margoy Realty Corporation, Mario Trap Rock Company, The, Marbleite and Waltile Co., Mariott Brothers, Incorporated, Marsh Drugs Incorporated, Marshall H. Yeatman & Son Holding Company, Marshall H. Yeatman & Son Auto Service, Inc., Marshall H. Yeatman & Son Funeral Directors, Inc., Marshall Hospital for Chronic Diseases, Inc., Marquette Oil Corporation, Marmac Publishing Company Inc., Marshall Research, Inc., Marshall Stillman Movement Inc., Marshall Securities Corporation, Marlborough Texas Company, Inc., Marlow Thrift Plan Inc., Marmon Washington Company, Mary Appliances Inc., Marwat Corporation, Marwood Corporation, The, Martin F. Conner Building Material Company, Maryland Market Company, Incorporated, Martin M. Hovsepian Inc., Martini Studios Inc., Massey Flour & Feed Store, Inc., Master Fox Ranch, Inc., Master Holding Corporation, Master Mortgage Corporation, Masseur Orchard Company, Masters Steel Frame Company, Master Tailors, Cleaners and Dyers, Inc., Mate Corporation of America, Mather & Company, Matilda Perego, Inc., Mathiasen Shipping Company, Inc., Mattoon Belting and Packing Co., Mavis Bottling Company of New England, Mavis Bottling Company of Scranton, Mavis Bottling Company of Baltimore, Mavis Bottling Company of Virginia, Mavis Bottling Company of Birmingham, Mavis Bottling Company of Ohio, Maxum Corporation, The, Matthew Della Porta Co., Inc., Matt D. Morgan Drug Company, Mayflower Hotels Corporation of America, Mayflower Hotel Company, Mayflower, Inc., The, Max Jaffe, Inc., Maumee Oil Refining Company, Maurice Preston Corporation, Maynard Razor Corporation, May Realty Co., Maximum Storage Garage Planning Corporation, The, Mayfair Undergarment Co., Medical Acceptance Company, Meadow Brook Investment Corporation, Medical Care, Inc., Megrim Company, Mechanical Development Corporation of America, Medical Funding Association, Media Inn, Inc., Mediclax Laboratories Corporation, Meat Products of America Inc. Ltd., Mechanical Products Co., Medical & Surgical Products, Inc., Mechanical Sales Inc., Meddo Steamship Corporation, Medical and Surgical Institute of Southern California Inc., Melde Lug Stone System, Inc., Memorial

PROCLAMATIONS

Parks Association, Mermaid Corporation, Mercury Exploitation Co., Ltd., Merchandise Exchange Incorporated, The, Mercal Guaranty Corporation, Merchants and Manufacturers Broadcasting Company, Mercer Motors Corporation, Mercury Mills, Incorporated, Merchants & Mechanics Loan Association, Inc., Merchants' Surety Corporation, Meroe Transportation Co., Merchants Telegraph Exchange Inc., Merchants Warehouse Company, Merrills Dollar Stores Inc., Merrill Theatres, Inc., Meterice of America Co., Ltd., Metropolitan Associates Inc., Ltd., Metropolitan Cement Corporation, Metal Chlorides Corporation, Metz Company, The, Metal Castings Holding Corporation, The, Meteor Crater Exploration & Mining Company, Metropolitan Company, Inc., Metasol Company, Metropolitan Development Company, Metals Exploration Company, Metropolitan 5 to 50c Stores, Inc., Metropolitan Holding Company, Metropolitan Mortgage Company, Metropolitan Stadium Corporation, Metropolitan Smoked Fish Corporation, Metropolitan Securities Corporation of Baltimore, Meter Service Corporation, Metro Utilities Corporation, Mexico Consolidated Mines Holding Corporation, Meyer Davis Concessions Inc., Mexican Estates Corporation, Mexico Safe Deposit Boxes and Guaranty Trust Company of Tiajuana Mexico, Mid-Continent Utilities Corporation, Mid-Continent Loan Companies, Inc., Mid-City Boxing Club, Inc., Mid-Continent Gas Corporation, Mid-Continent Distributing Company, Mid-Continent Investment Corporation, Mid-Continent Investors Inc., Mid-Continent Royalty Corporation, Mid-Continent Telephone Corporation, Mid-Continent Hotels Corporation, Midwest Drive It Yourself Company, Middletown District Parsonage Association, The, Mid-Eastern Construction Company, Midzone Exploration Corporation, Midget Golf Inc., Michaud's, Inc., Midwest Linoleum Company, The, Micro-Meter Corporation, Midland National Company, Midland Natural Gas Company, Midland Oil & Gas Corporation, Midland States Investment Company, Middle States Corporation, The, Mid South Public Service Company, Midland Theatres Inc., Michigan United Telephone Company, Mid-Valley Securities Corporation, Mid-West States Securities Company, Mid-West Kaolin Company, Mid West States Gas & Oil Company, Mid-West Public Utilities Inc., Mid-West Aviation Corporation, Mid-West Investors Inc., Middle West Utilities Co., Michigan-West Virginia Land and Mining Company, Mid-West States Utilities Company,

PROCLAMATIONS

Miles F. Leche and Associates, Inc., Miles J. Hall & Company, Miles J. Hall, Inc., Milk-Maid This Bar, Inc., Milcarich Mining Company, Ltd., Miley Petroleum Corporation Ltd., Mileage Transportation System Inc., Miller, Franklin & Company of Delaware, Inc., Millheim Manufacturing Company, Inc. of Millheim, Pa., Millionaire Mining and Manufacturing Company, Miller Robinson Company, Miller-Roth, Incorporated, Millwork Sales Corporation, Miller Wheel & Rim Corporation, Milstein Finance Association, Milton Oberdorfer Inc., Milton Realty Co., Milton Thomas Company, Inc., Mintwood Corporation, Minneapolis Corporation, Minox Chemical Corporation, Mines Development Corporation, Mines Financing Securities Syndicate, Mineral Industries Inc., Min-O-Pool Corporation, The, Minnesota Quartzite Company, Minute Service Station No. 10, Inc., Minute Service Station No. 8, Incorporated, Mintan-Yeast Corporation, Mirviss Mfg. Co., Mir-O-Electric Sign Company, Miracle Products Corporation, Mississippi Bond & Securities Co., Mississippi Chemical Company, Mission Drilling Company, Mission Gold & Copper Mining Co., Mission of Hope Inc., Mississippi Inland Valley Corporation, Missouri-Kansas Pipe Line Company, Missouri-Nebraska Public Service Company, Missouri National Underwriters Company, Mississippi Portland Cement Company, Mississippi Rehabilitation Corporation, Mississippi Valley Utilities Investment Company, Mixasoda Corporation, Mitchell Machine Company, Modern American Education, Inc., Modified Coffee Products Co., The, Modern Devices Incorporated, Modern Drug Co. Inc., Modern Farm Home Service, Inc., Modern Foods Incorporated, Modern Girls Shops, Inc., Modern Homes, Incorporated, Modern Industrial Banking Corporation, Mock Motor Company, Incorporated, Modern Noodle & Macaroni Works Inc., Modern Oil & Gas Corporation, Modern Sales Co., Modification Society of America, Modern Service Company, Modernized Service Inc., Modern Tire Sales Inc., Modern Workmen of the World Society, Moffett & Company, Mojo-Cadet Co., Inc., The, Moherb Oil Company, Mohican Pottery Co., Moleta Tile Company, Monoblock Corporation, Monroe Cap Co., Montero Corporation, The, Monessen Finance Corporation, Montana Natural Gas Company, Monongahela Oil & Gas Company, Monagas Oil Fields Corporation, Monway Products, Incorporated, Montana Peerless Sheep Company, Montana Stockmen's Corporation, Montgomery Theatre Corpora-

PROCLAMATIONS

tion, Mono-Valve Corporation, Monongahela Valley Concrete Products Co., Moon & Co., Inc., Moody-Seagraves Realty Company, Moore Electric Corporation, The, Moore-Fewel and Devlin Incorporated Limited, Morado Springs Park, Inc., Morecraft Transportation Corporation, Morris-Collier Corporation, The, Morris & Co., Inc., Morgan Finance Company, The, Morris Frank Company, Morrell Finance Company, Morris-Hall Mail Closer Company, Morris Kell, Inc., Morrell Mills, Inc., Morris Oil and Gas Company, Mortgage Holding Corporation of California, Morse Products Inc., Mortgage Service Company, The, Moseley, Becker & Fitzpatrick, Inc., Motor Circus Corporation, Moses & Company Inc., Motor Freight Guide, Inc., Motor Freight Forwarding Corporation, Motor Parts Corporation, Mossburg and Richmond Company Incorporated, Motor Service Incorporated, Mountain Beverage Company, Mountain Park, Inc., Mount Pleasant Oil Company, The, Mount San Antonio Aerial Tramway, Ltd., Inc., Mountain States Packing Company, Mountain View Farm, Inc., Mountain Valley Water Co. of Western Penna., The, Mount Vernon Supply Company, Moxie Company of America, The, Moyer and Smith, Inc., Movie-of-U Corporation, Munson Corporation, The, Municipal Financial Corporation, Murillo Bros. Department Store Company, Muracote Company, The, Murphy Machine Company, Murray Automatic Transmission Company, Muscletone Corporation, The, Music Chains Company, Mutual Accident Insurance Co., Mutual Bond & Mortgage Company, Mutual Citrus Corporation, Mutual Equity Corporation, Mutual Oil & Coal Company, Mylocal Products Company, The.

McCann-Harrison Corporation, McCay & Kirtland Inc., McCulloch Oil Company, McCleary Production Company, Inc., McDonald Oil Company, McGehee and Company, McKash Manufacturing Company, The, McKay Sound-on-Film Inc., McLure Furniture Corporation, McNamara Brothers Company, McQuay Radiator Sales Company, McVarish Be-Wel Corporation.

Naniboujou Club, N. D. Suttles Inc., N. E. M. F. A. Corporation, Nanty-Glo Drug Co., Nafran Investing Co., Inc., N. M. D. Corporation, Naden News Service Inc., N. R. Bagley & Co., Inc., Nabir Realty & Securities Corporation, Nakken Sound Products

PROCLAMATIONS

Sales Co., Inc., N. S. M. Company, Nandor Wilson Inc., Nassau Canning Co., Nassau-Suffolk Bankshares Corporation, Natural Caverns, Inc., Natural Air Dryers Inc., Naturaline Company of America, Navy Cab Company, Natural Humus Company, The, Nazarian and Hekimian Inc., Nathan U. Katz Inc., Navigation Oil Co. Inc., Nauheim Pharmacies Inc., Natural Products Producers Corporation, Nathaniel W. Howell Co., National Association on Prohibition, National Amusement Distributing Corporation, National Automobile Wreckers Exchange, Inc., National Advertising & News Service, Inc., National Advisory Association, National Agricultural Corporation, National Aero Corporation, National Air Control Company Inc., National Assorting Company, National Automobile Hotel Co., National Builders, Inc., National Brewing Company, National Building and Construction Corporation, National Brands Inc., National Business Service, Inc., National Building Units Corporation, National Capital Apartment House Holding Corporation, National Construction and Commissary Company, National Colored Players, Inc., National Capitol Fur Co., National Cafes, Inc., National Claims Service Corporation, National Demolition Corporation, National Doughnut and Sandwich Shops, Inc., National Decorating Company, National Defense Corporation, National Defense Foundation Inc., National Electric Control Corporation, National Endowment Company, National Ever-Lite Corporation, National Finance and Mortgage Corporation, National Foundation Press Inc., National Finance Reserve Corporation, National Food Shares Corporation, National Guarantee and Deposit Company, National Gas & Utilities Corporation, National Holding Corporation, National Hospitals, Inc., National Health Preservation Institute, Inc., National Home Building Studios Inc., National Haberdasheries Corporation, National Hotel Service Company, National Highway Traffic Association, National Insurance Agency Inc., National Industries Shares Corporation, National Laboratories, Inc., National Lodge, No. 32, I. O. O. F. of St. Georges, Del., National Metal Products Corporation, National Motor Transit Company, National Manufacturers' Xmas Thrift Club, Inc., National Non-Metallic Ores Corporation, National Oil & Gas Co., National Oil Lubricating Company, National Oil Manifolds Inc., National Petroleum Conversion Company, National Pure Food Shows, Inc., National Pinetree Products Corporation, National Products Corporation, Na-

PROCLAMATIONS

tional Products Company of America, National Producers Association, National Paper Process Co., Inc., National Pastry Products Corporation, National Poultry & Provision Co., National Premier Products Co., National Postage Stamp Machine Corporation, National Protective Society, National Rabbit Ranches, Inc., National Radio Utilities Company, Incorporated, National Rayon Manufacturing Company, Inc., National Realty and Development Company, National Realty and Securities Company, Incorporated, National Repeal Club Inc., The National Realty & Finance Corporation, National Street and Highway Marker Corporation of America, National System Service Corporation, National Salespoint Advertising Corporation, National Stock and Poultry Products Corporation, National Securities & Mortgage Co., Inc., National School of Aeronautical Engineering, Inc., The National Service Company, National State Cleaning Company, National Surgical Co., National Signal Device Corporation, National Shoe & Leather Mart Inc., National Shoe Stores Incorporated, National Survey Service Inc. of Akron, National Savings Underwriters, Inc., The National Trusteed Fund, Incorporated, National Tourist Service, Incorporated, National Trading Company, Inc., National Tax Title Bond & Investment Corporation, National Telephone & Electric Corporation, National Thrift Agency, Inc., National Talc Co. Inc., National Thrift Corporation, National Trust Company, National Trade Journals Inc., National Uniform Co., Ltd., National Vacuum Products, Inc., National Visionola Distributing Corporation, National Venezuela Oil Corporation, National Wholesalers Board of Trade, Inc., Ltd., Nebraska City Utilities Company, Nebraska Development Company, Nebraska Pipe Line Company, Neil, Akers & Scott, Inc., Nelson Farm Corporation, Neighborhoods, Inc. of Washington, Nedick's, Incorporated, Nellie Mountain Mining Co., Ned Wayburn Institute of Dancing, Inc., Neolithic Flooring Company, Inc., Netherlands Gun Club, Neutrasol Products Corporation, Newburger Cotton Company (Inc.), Newark Development Company, New England Aeronautical Laboratories, Inc., New England Manufacturing Co., Inc., New England Tankers Corporation, New Era Aircraft Corporation, New England and Western Airlines Inc., New England Police Officers Association, New England Magnesia Corporation, New England Hotels Company, Newport Engineering Company, New England Furniture Company, Newman-Hobart Realty

PROCLAMATIONS

Company, Inc., The, New Jersey Associates Inc., New Jersey Co-Operative Finance Corporation, Newspaper Mechanical Sales Company, New Orleans-Gretna Bridge Company, Inc., New Process Fuel Corporation, New Pacer Aircraft Corporation, The, Newhoma Petroleum Company, New Process Carbon Company, Inc., The, New Screen Corporation, Newark Shoe Stores Inc., The, Newport Shipbuilding Corporation, The, New-Tex Corporation, Newhoma Utilities, Inc., New Vulture Mining Co., New York & Atlantic Seaboard Air Express, Inc., New York & British Holdings, Inc., New York Bargain House Inc., New York Canal and Great Lakes Corporation, New York Development Corporation, New York Dress Shop Inc., New York Holding Corporation, New York Live Stock Company Inc., New York Mortgage Company, The, New York Novel Corporation, New York Picture-ETTE Corporation, New York Shipping Service Corporation, New York Shop Inc., The, Nickel Cab Company, Nickel-Dime Grocery Company, Nicholson Furnaces Inc., Niagara Gas Corporation, Niagara Paper Mills Corporation, Nicaraguan Products Corporation, Nichols Trading Corporation, Niobe Funding Corporation, Ninth & Marquette Co., Nobil Chain Store Company, The, Nocare Electric Radiator Corporation, Nodak Oil & Refining Co., Nocare Sales Corporation, Non-Corrosive Alloy Corporation, Nones and Troy, Inc., Norden-Hauck Electric & Manufacturing Company, North American Industries, Inc., North American Investors Management and Holding Company, North American National Company, The, North American Publishing Company, Inc., The, North American Investment Bankers Inc., North Atlantic Trawling Corporation, North American Bond & Mortgage Co., North American Company of St. Louis, Northern Alabama Corporation, Northern Barge Corporation, Northern Cold Storage Company, North City Radio Corporation, Northern Development Company, Inc., North Denver Motors Inc., North-Eastern Shares Corporation, North End Realty Corporation, Northwest Fur Corporation, North Gold Syndicate, Ltd., Inc., North Green Chevrolet Company, Northern Holding Corporation, Norwood Investment Company, Northrop Inc., Norton Johnson Buick Company, Northern Liberties Produce Co., Norton Lacy Buick Company, Northern Marble Corporation, Northern Minerals Corporation, Northern Minnesota Quality Fox Farms, Inc., North Ontario Packing Company, Northern Pipe Line Company, North Pacific Mines, Incor-

PROCLAMATIONS

porated, North Star Mining Company, Incorporated, North Side Plastering Co., North Shore Company, North Side Garage Inc., Northern Texas Gas Company, Northeastern Utilities Company, North West Coast Petroleum Company, Noxon Candies, Inc., No-Smok Furnace Company, Nova Gold Mines Co., Inc., Nystrom Auto Lens Inc., Nu-Glass Corporation, Nu Grape Company of Delaware, Nyack Holding Corporation, Nu-Icy of Delaware, Inc., Nubest Pictures Service, Inc., Nu-Top Sanitary Desk Envelope Company.

Oakley Corporation, Oak Flooring Company, Oatis Hoyne & Company, O. K. Pen Co., Inc., Oakland Silk Throwing Co., Obras Corporation, Occidental and Oriental Products Company, Inc., Ocean Products and Supply Corporation, Ocean Tours Corporation, Official Catholic Films Corporation, Odonohoe Detachable Blade Drilling Bit Company, Odor-Go Corporation, Odenkirk Motor Wheel Corporation, Office Service Inc., Oil-American Burner Corporation, Oil Burner Corporation of Washington, D. C., Oklahoma Carbon Ice Company, Ohio Counties Gas & Oil Corporation, Oklahoma Finance & Acceptance Corporation, Oil & Gas Corporation of America, Oil and Gas Royalties of America, Ltd., Oil and Gas Engineering Company Inc., Oil and Gas Corporation of Mississippi, Oilroyalty Investments, Inc., Oils, Incorporated, Ohio Kansas Gas Corporation, The, Oil Manifolds Corporation, Ohio Okla-Tex Oil & Gas Company, The, Oilastic Paint Company (Far East) Ltd., Oilastic Paint & Varnish Co., Inc., Ohio River Transportation Company, The, Oklahoma Storage and Pipe Line Company, Old Colony Life Building Corporation, Old Dominion Drug Company, Old Guard Securities Corporation, Omai-Kaburi Syndicate Inc., The, Olancha Mineral Products Co., Ltd., Omar Oil & Refining Company, The, Olcovich Shoe Company, The, Onley-Brown Canning Co., Incorporated, Oneida Corporation, Oppenheimer & Kahn Inc., Orientconstruct American Oriental Construction Syndicate, Orb Chemical Products, Inc., Orango Corporation, Ortleb Corporation, The, Orbit Laundry Machine Company, Inc., Oronoque Oil Burner Corporation, Order of Railway Clerks, Incorporated, Ornamental Stone Wall Company, Inc., Osmo Distributing, Inc., Oswego Gas Company, Ostend Shop, Inc., Otis F. Tabler & Co., Otto Hall Clothing Company, Otte Securities Co., Oxydyne Company, Inc.,

PROCLAMATIONS

Overhead Door Sales of Western Penna., Inc., Oversea Financial Corporation, Oxford Holding Corporation, Ozark Public Service Company, Oxford Processes, Incorporated, Owl Transportation, Inc.

Pacrite Corporation Inc., Pacific Company, Inc., Pacific Coast Terminal Company, Pacific Freight Lines Corporation Ltd., Pacific Income Properties Corporation, Ltd., Pacific Minerals Inc., Pacific Prospectors, Incorporated, P. Q. S. Tailors, Inc., P. S. P. Sales Corporation, Pacific States Pulp and Paper Co., Pacific Timber Company, Pacific Tradesbanc Ltd., Page Brothers Oil Company, Page, Inc., Paine Motors, Inc., Paint Specialties, Inc., Pan-American Distributing Corporation, The, Pan-American Mining Company, Pan-American Trading Corporation, The, Pan American Wire and Metals Syndicate, Inc., Pan Antillian Oil Company, Palace Cleaning & Dyeing Company, Pan-Continental Investing Corporation, Palm-Ett Brush Company, Panamuso Enterprises Inc., Palisade Gardens Mortgage Co., Pan International Inc., Palladium Life Underwriters, Incorporated, Palmer Land Company, The, Panama Marine Corporation, Pandem Oil Corporation, Panama Pacific Corporation, Pam-Pa Company of America, Inc., The, Pankey Pump Corporation, Pangborn Self-Sustaining Steam Generator Co., Inc., Palace of Wonders, Inc., Park Amusements of America, Incorporated, Parkland Company, Paragon Hotels Corporation, Paramount Oil Burners Incorporated, Parking Units Inc., Paramount Wood Products Company, Parsons, Cowgill & Co., Parrot Dry Process Street Cleaner Company, Parr-Loichot Engine Corporation, Patterson Burial Vault Co., of New Kensington, Pa., Paul Brothers Company, Patterson-Cullian Company, Passenger Compartment Company, Pavesich & Company, Patricia Cornelius Company, Patent Development Company, Paul G. Wagner Inc., Paul H. Petersen Inc., Paxon Infra-Ray Corporation, Patent Promotion, Inc., Pastry Pygmy Corporation, Passaic Petroleum Corporation, Patented Products Mfg. Company, Paul S. Reeves & Co., Patterson Three in One Burial Vault Company, Peerless Building Company, Pecos County Syndicate, Inc., Peerless Coal Corporation, Pearsall Company, Inc., The, Peerless Founders & Factors, Inc., Peco Holding Corporation, Pecano Manufacturing Corporation, Pederson Motors Inc., Pecano Manufacturing Company, Pecano Orchard Company, Peerless Oil Company of Pennsylvania, Peerless Petroleum Products, Incorporated, Pearl

PROCLAMATIONS

River Gravel Company, Peerless Soda Fountain Service Co., Peggy Worth, Inc., Pelman Institute of America, Inc., Pennsylvania Avenue Garage, Inc., Pennsylvania Auto Reconstruction Company, Penn American Oil Company of South Dakota, Pennsylvania Bond and Share Company, Pennsylvania Corporation, Penn Company for Guaranteeing Mortgages, Penn-Crawford Company, Pence and Company Inc., Pennsylvania Dairy Products Company, Pennsylvania Foundry Supply Company, Penn-Girard Amusement Association, Penn-Grove Manufacturing Co., Pennsville Improvement Association, Inc., Pennsylvania Industrial Banking Corporation, Penn-Jersey Picture-Ette Corporation, Penn Keystone Company, The, Pennsylvania Marblite Company, The, Pennsylvania National Company, Pennington Oil & Gas Co., Inc., Penn-Ornamental Iron Works, Inc., Penna Rug Mfg. Co., Inc., Pennsuco Realty Company, Pennsylvania Sandstone Corp., Penn Square Finance Company of Philadelphia, Pennsylvania-West Virginia Development Corporation, Peoples Amusement Corporation, Perfect Ashler Lodge No. 25, F. & A. M., Inc., Personal Bankers Finance Corporation, Pepca Company, Perry Corporation, Perfect Dishwasher Co., Inc., Perfection Homes, Inc., Perfection Incubator Co., Perry Investment Corporation, Perfecto King Products Company, Ltd., Personal Loan Corporation of Delaware, Perfect Laundries of Pittsburgh, Inc., Pepper Poultry Company, Personal Recorders, Incorporated, Peoples Real Estate, Savings and Loan Association, Perpetual Real Estate Company of Wilmington, Delaware, Peoples Service & Gas Company, People's Service of Oak Lane, Inc., Perfection Tailoring Company, Performo Toy Company, People's Welfare Alliance, Inc., Petroleum Associates, Inc., Petrus Cement Corporation of America, Petropalm Corp., Petroleum Enterprises Inc., Petroleum Gas Processes, Inc., Petroleum Investment Company of California, Petromen Laboratories, Inc., Peterson Products, Inc., Petroleum Process Patents Corporation, Petroleum Royalties Company of Oklahoma, Petroleum Recovery Corporation, Petro-Sol Corporation, Phelps Institute of Speech, Inc., Pharmaceutical Research Corporation, Philadelphia Aid Society, Incorporated, The, Philip A. Metzger Inc., Phila. Automobile Repairmen's Finance Corporation, Philadelphia Art Marble Works Inc., Photogravure Advertising Corporation, Philip Born Wholesale Drug Co., Philadelphia Broadcasting Company, Philips Candy Co., Inc., The, Photoplatting Company, The,

PROCLAMATIONS

Philadelphia College of Law Incorporated, Phoenix Coal Company, Philbrin Corporation, Phillips Distributors, Inc., Physicians-Dentists Credit Corporation, Physicians' Dentists' and Hospital Building Inc., Philadelphia Daylight Electric Company, Phillips Food Products Company, Photo-Greetings, Inc., Philgos Holding Corporation, Philip J. Weldon, Inc., Phoenix Laundries, Inc., Phister-Lancaster Company, Phoenix Mortgage Company, Phoenix Oil and Transport Company, Physicians Pharmacal Company, Philadelphia Pronto Heater Corporation, Phi Sigma Fraternity Society of Delaware College, The, Philadelphia Stack & Tank Works, Inc., Philadelphia Transport & Terminal Corporation, Philadelphia, Trenton and Chester Company, Philadelphia Warwick Company, Picture A Month Club Inc., The, Picture-Ette Corporation of America, Pictures Realization Corporation, Piedmont Springs Development Company, Inc., Piowaty-Berliner Inc., Pine Crest Poultry Farms Inc., Pippin-Durant Co., Pioneer Fund Inc., Pipe Line Service Corporation Ltd., Pine-O-Pich Laboratories Incorporated, Pine Products Company, Ltd., Pioneer Petroleum Company, Pilot Radio & Tube Corporation, Pine Ridge Oil Company, The, Pine-Waste Products, Inc., Piron Coal Distillation Systems, Inc., Pittsburgh Bond and Share Corporation, Pittsburgh Copyright Company, The, Pittsburgh-Clearfield Oil & Gas Co., Pittsburgh Finance Corporation, Pittsburgh Lumber Salvage Co., Pittsburgh Mechanical Toy Co., Pittsburgh School of Aviation Inc., Pittsburgh Unlisted Exchange, Incorporated, Planograph Company Inc., The, Placer Gold Foundation Corporation, The, Platt Mortgage-Loan Company, Plaster Products Corporation, Pneumatic Automatic Motor Corporation, Plymouth Hosiery Mills, Inc., Polish-American Products Corporation, Point Blackistone Inc., Polites Corporation, Polymer Chemical Co., Inc., Pocahontas Natural Gas Company, Point-O-Sales Co., Inc., Poertner Realty Corporation, Pomeroy and Salmon, Inc., Pomeroy and Salmon, International Corporation, Point Transfer, Inc., Polly Wiggin, Inc., Porreca Coat Company Inc., Portageville Gas Company, Porter Motor Company, Port-O-Bowl Co., Ltd., Portable Self-Serving Store Company, Porreca Tailoring Co., Porcupine United Gold Mines Inc., Power Amusement Company, Pottash Bros. Co., Power, Gas & Water Service Corporation, Power Light and Service Company, The, Poultry Publications, Inc., Prater Corporation, Pratt Fuel Corporation, Pratt Sales Corporation, Premium

PROCLAMATIONS

Coal Company, Presto Corporation of America, Premium Oil Securities Corporation, Premium Refrigerating System, Inc., Pressed Steel Products Corporation, Prosperity Association of America, Incorporated, Private Brands, Inc., Producers Coal Company, Prudential Company, The, Prudential Development Corporation, Prudential Guaranty Corporation, Pro-Grips Manufacturing Corporation, Pronto Heater Sales Corporation, Prosperity Institute, Incorporated, Priferr Inc., Prudential Loan Corporation, Prosperity League Inc., Prosperity Laundry Company, Production Machine Co., Inc., Prospect Mining Company, Protective Mortgage and Investment Company, Progressive Manufacturers Inc., Princess Martha Hotel Company, Prudential Mutual Association Incorporated, Promontorio Mines Co., Inc., Prudential Oil Corporation, Programs Publishing Company, Proven Products, Inc., Psycho-Phone Company Inc., Products Refinery, Inc., Proper Railway Appliance Corporation, The, Prudence Royalty Corporation, Princeton Rayons Incorporated, Provident Supply Co., Inc., The, Profit Sharing Hosiery Corporation, Putt-A-Round Golf Company Inc., Pyramid Bond Mortgage and Securities Corporation, Public Cab Co., Purelac Corporation, Purity Farm Products Company, Public Finance Company, Purelac Holding Corporation, Public Investment & Underwriting Company, Pyramid, Inc., Purity Manufacturing Co., Inc., Public Mortgage Company, Pursmoke Pipe Company Inc., Puerto Rico Manufacturing Corporation, Public Service Radios, Incorporated, Public Service Community Kitchens, Inc., Public Shares Corporation, Public Service Conduit Company, Public Service Finance Syndicate, Public Service Bond and Share Inc., Public Service Oil Corporation, Puritan Traders Co., Public Telephone and Telegraph Company Inc., Public Utilities Consumers Corporation, Putnam Valley Mfg. Co., Inc.

Queen Anne Fur Farms, Inc., Quality Bakeries, Inc., of Sherman, Texas, Quality Boot Shop, Inc., Quaker City Masonry Contracting Co., Quality Foods Corporation, Quaker Fruit Corporation, Quality Ice Cream Company, Quality Mill Products Company, Quinlan Motors Company, Quick Service Laundry Company, Quick Service Laundry Supply Company, The, Quaker State Rabbit Industry, Inc., Quality Store Inc., The, Quaker State Packing Co.

PROCLAMATIONS

Railway Auto Supply Corporation, Radium Active Remedies Company, R. B. Elliott, Inc., R. B. Buckett & Co. Inc, Raden Bros. & Rush, Inc., Race Coal & Coke Co., Radiovision Corporation of America, Railside Corporation, Radiumator Corporation, Radio Corporation, Radonite Corporation, Railways Corporation, R. C. Douglas Corporation, Ragmof Company, The, Radio Co., of Phila., R. E. Daugherty-Ohio Company, Incorporated, Radio-Electric Share Corporation, Railway Exchange Building Company, R. F. Daly, Inc., R. & G. Mineral Wells, Inc., R. & G. Mineral Water Company, Radial Hydrocarbon Processes Inc., Radiocast, Inc., Race Improvement & Development Company, Railway Investment Company, R. K. Raphael Corporation, Radio Laboratories, Inc., Ltd., Rainbow Luminous Products, Inc., R. M. R. Corporation, R. M. C. Oil & Gas Corporation, Radio Producers Associates, Inc., Railway Pneumatic Springs Inc., R. R. Bixby, Inc., Radiant Realty Company, Radio Sports, Inc., Radiator Securities Co., Railroad Signal and Supply Company, Raegem Securities Company, Railway Tie Corporation, Race Track Mine, Incorporated, The, Radio Trades Association of Wilmington, Delaware, Radio-Vision Development Corporation of America, Rancho El Cerrito, Inc., Ranger Gulf Corporation of Texas, Ranger Gulf Corporation, Rayner Broadcasting Corporation, Rawl Corporation, Rawson Sales Company, Inc., Realty Associates of Texas, Incorporated, Relief-Arlington Holding Co., Reedy's American Tours, Inc., Recreation Bowling & Billiard Academy of Allentown, Inc., Rector Company, The, Red Cab, Incorporated, Realty Credit Co., The, Red Dog Corporation, Refrigerator Express Lines, Inc., Real Estate Mortgage Company of Baltimore, Reed Harvesting Machine Company, Realty Liquidation Corporation, Record-O-Cast Inc., Realty Realization Corporation, Rea Reta Corporation, The, Red River Stone Co., Red River Loan Company, The, Recip-Roto Engine Company, The, Red Star Damp Wash Laundry, Inc., Red Top Cab Company, Refined Utilities, Inc., Renral Corporation, Reliance Cement Corporation, Remlick Company Inc., Reliance Company, Reliance Gas Corporation, Remington Gear Company, Republic Holding Corporation, Remoco, Incorporated, Reid Mill and Lumber Company, Relay Motors Corporation, Reliable Porcelain Co., Inc., Republic Railway Equipment Company, Inc., Reserve American Corporation, Reynolds Brothers Incorporated, Research Chemical Industries, Inc., Retsof Corpora-

PROCLAMATIONS

tion, Reuter, Inc., Retail Markets, Inc., Reynolds Oil & Royalty Company, Research Publishing Co., Restaurant Royale, Inc., Reynolds-Stanton Company, Retailers Service Bureau Inc., Research Service Corporation, Rex, Tire & Rubber Company, Richards Fabricating Company, Richard's, Inc., Richein Mfg. Co., Richardson Music Company Ltd., Richmond Service Co., Inc., Rigg Enterprises Inc., Rid-Jid Products Inc., Right-O-Way Cab Company, Ltd., Rinolin, Inc., Rio Sao Manoel Mining Corporation, Rite Chemical Company Inc., Riverside Industrial Alcohol Co., Riz Products Corporation, Ro Bo., Inc., Robert Paterson Inc., Robinson Airfoil Fuselage Corporation, Robinson Connector Company, Robinson Gold Mining Corporation, Rockford Clothing Co., Rocky Mountain Oil and Producing Company, Rock Manor Building Company, Rock Products Corporation, Rockwood Realty Corporation, Rock Royalty and Petroleum Corporation, Romero Company, The, Romilax Corporation, Rodome of Englewood-Denver, Inc., Rollins, Incorporated, Rod Le Gra Inc., Rolloball Manufacturing Company, Rohrbach Patents Corporation, Roger Wood Industries, Inc., Rosenbleeth's Company, Rosenel Corporation, Rossman Corporation, Rothrock Coffee Company, Rotogravure Publishing Company Inc., Rountop Pen-Pencil Company, Rouses Point-Alburgh Bridge Co., Inc., Rotogravure Publishers, Inc., Roto-Sign Service Inc., Rover Transfer Co., Royal Advertising Mediums, Inc., Royal Acceptance Corporation, Royal Co., The, Roydhouse & Company Inc., Roycraft Corporation, The, Roycraft Company, The, Roxy Circuit, Inc., Rowland Farm, Inc., Royal Finance Corporation of California, Rowe Hosiery Company Incorporated, The, Royce, Kershaw, Inc., Royalties Management Holding Corporation, Royalty Properties Inc., Roxoline Petroleum Company, Royal Realty Company, Royalty Shareowners, Inc., Royal Sales Corporation, Royal Swan Hotels Corporation, The, Royal Swan Club, The, Royal Securities Company, Royal Tourist Products Co., Inc., Royal Television of America, Inc., Rubenstein Construction Company, Rudizone Corporation, Rubber Products Corporation, Rubber Sundries, Inc., Ryland & Brooks Lumber Co., Inc., Ruth Dress Co. Inc., Ryan-Porter Finance Corporation, Ryan, Scully & Co., Russell Williams, Inc.

S. A. Borow & Sons, Inc., S. B. Hazle & Company, Inc., Safety Brake Company, Inc., The, S. Chanin Co. Inc., S. C. Hookstratten,

PROCLAMATIONS

Incorporated, Ltd., Safetee-Drive Appliance Co., S. Epstein Inc., S. F. Catey Company Ltd., S. Heymann's Meat Stores Inc., Safety Lock Handle and Valve Co., Sa-Lax Corporation, S. L. Edelman, Inc., S. M. Gelgood, Incorporated, S. N. Meyer, Incorporated, S. P. Woodward Corporation, S. Rosenthal & Co., Inc., S. Shapiro, Inc., Safety-Way-Aircraft Corporation, Safety Wrench and Appliance Company, S. Z. Goodstein and Company, Managers, St. Francis Hotel Company, St. Johns River Line Company, St. James Hotel Corporation, St. Louis Petroleum Company, Inc., St. Paul Box Spring and Mattress Co., Inc., Samuel Brothers Inc., Salem Burial Vault Corporation, Samuel Charlick, Incorporated, Salkind Company, Inc., Saluda Crushed Stone Company, Sam Hecht Inc., Samax Holding Corporation, Samaritans Home for Old Aged People and Children, Inc., Samuel I. Perlman, Inc., Sales Promotion Service Inc., Sampson Safety Gate Corporation, Samuel S. Haas, Incorporated, Santa Barbara Securities Company, Sanitary Container Corporation, Sanitation Corporation, The, Sanborne Coffee Company, Sanitary Doughnut Shops Inc., San Diego Lime Products Company, San Fernando Valley Oil Company Ltd., San Fernando Valley Corporation, Sandy Hook Coal, Oil & Development Company, Inc., Sangard, Inc., San Jose Oil Company, Sanger Oil & Refining Company, Sanabria Television Corporation, Sanitation Utilities Corporation, Sayvoy Corporation of America, Savarese Luncheonette Inc., Savannah and Southern Packing Corporation, Scadrons' Inc., Scattergood-Smith Foundation, Incorporated, Shickerling Products Corporation, Schmidt Development Corporation, Schuylkill Amusement Company, Schulz & Company, Schutter-Johnson Candy Co., Schwartz Investment Company Inc., Scientific Drug Products Co., Inc., Scientific Fruit Growers, Inc., Scientific Health Methods Incorporated, Scientific Lubricating Company, Scranton Electric Supply Company, Scranton Investment Company, Scranton Steel Products Corporation, Security Building & Construction Corporation, Security Bond & Mortgage Company, Seaboard Continental Corporation, Seaboard Corporation, Security Corporation Guarantee Company, The, Seawood Corporation, Searchlight Gold Corporation, Security Group Corporation, Ltd., Securities Installment Corporation, Second Industrial Finance Corporation, Seabrook International Engineering Corporation, Seddon Motor Car Company, Second Mortgage Finance Company, Seaboard Natural Gas Corporation, Seal Packing & Rub-

PROCLAMATIONS

ber Co. Inc., Seaboard Public Service Company, Seaboard Petroleum Corporation, Security Realty Company, Inc., Secured Royalties Corporation, Sea Safety Society (International), Sea-Tane Company, Security Underwriters, Inc., Second Ward Republican Club, Inc., Servo Corporation, Seneca Copper Mining Company, Selective Holdings and Investing Corporation, Select Investments Incorporated, Selected Income Corporation, Servamat, Inc., Self Lighting Cigarette Corporation of America, Servicised Premoulded Products Company, Inc., Selective Poster Advertising Incorporated, Service Repair Co. Inc., Serv-Rite Corporation, Seminole Shares, Inc., Survey Stores Company, The, Serv-U-Garbage Co., Limited, Self Unloading Barge Corporation, Seventh Avenue Restaurant Co., Severn Arms, Inc., Ses Oil Corporation, Seth Seiders Incorporated, Seven Sands Gas & Oil Co., Seven Troughs Gold Mines Extension Inc., Shamokin Capitol Theatres Inc., Shafer's, Inc., of California, Shady Lane Farms, Inc., Shannon Oil Corporation, Shanghai Realty Corporation, Shapiro's, Inc., Sharpless Supreme Cream Company, Shellastic, Inc., Sheet Metal Engineering Company, Inc., Sheets Produce Company, Sherbrook Company, Inc., The, Shermet Heating Co., Inc., Sheplan Palmer Knitting Mills, Inc., Sherby's Rent-A-Car Company, Sherman & Rhodes, Inc., Sheridan Securities Corporation, Shore's Department Store Co., Shoreham Indoor Golf Co., Inc., Shoalsview Realty Corporation, Shore Resorts Co., Shumway Royalty Corporation, Shoup Voting Machine Co., Inc., Silloc Corporation, Silva Distributing Company, Silent Flush Valve Inc., Sidney Lee Shoes, Incorporated, Silver Mist Shares, Inc., Silvers Manufacturing Company, Silverman Plastering Co., Inc., Sight & Sound Corporation, Simplified Accounting Systems Co., Inc., Sioux Apartment Hotel Company, The, Singer Bakery Inc., Simpson Carbonization Company, The, Simon's of Delaware, Inc., Simmons Rubber Company, Simplex Window Company, Inc., Simplicity Woodworker Company, Skillrafters, Incorporated, Sistersville Ohio River Bridge Company, Skelly Standard Drill Grinding System Inc., Slaght-Hoff Co., Slag Products Corporation, The, Small's Auto Parts Company, Inc., Small Construction Company, Small Estates of America, Inc., The, Smith & Ash Oil and Gas Company, Smith-Anderson, Inc., of Pennsylvania, Smith-Hanlon, Inc., Smiler's, Inc., Smith Separator Company, Smith and Strevig Pharmacists, Incorporated, Smith Transportation Corporation, Snilloc Corporation,

PROCLAMATIONS

Solomon Coltman Company, Solidol Corporation, The, Social Games, Inc., Solidon Products, Inc., Sonium Corporation of America, Somerville Laboratories, Inc., Soracio Corporation, The, Sosan Corporation, South American Radio Corporation, Southern Agricultural Tank Line, Inc., Southern Air Express Inc., South American Land and Cattle Company, Southern Automatic Sales Manufacturing Company, Southern Chromium Corporation, South Carolina Granite Corporation, Southern California Olympic Features Company, Ltd., Southland Cosmetics, Incorporated, Southern Cities Utilities Company, Southern Distributing Corporation, Southworth Dierdorfit & Co. Inc., South Dakota Utilities Service Co., Southern Development Co., Southern Drug Stores, Incorporated, Southwestern Electrical Products Company, Southland Farms, Inc., The, Southern Fayette County Gas Company, Sound Inc., Southern Illinois Utilities Corporation, South Kentucky Oil Corporation, Southern Lime Products Company, Southern Louisiana Gas Co., Inc., Southern Mining Corporation, The, Southern New England Corporation, Southern New England Securities Corporation, Southern Natural Gas Corporation, Southland Oil Company, Southwestern Printing Co., South Park Riding Academy, Inc., Southern Paint & Varnish Company, Southland Pecan Company, Inc., Southern Quarries Corporation, Southern Retail Merchant, Incorporated, Southern Securities Company, Southern States Cotton Machine Company, Southeastern Sanitation Engineers, Inc., Southern Speedways, Inc., Southern Tung Oil Company, Inc., The, Southland Tire Company, Inc., Southern Textile Manufacturing Corporation, South Texas Quix-Kold Corporation, Southern Wearest Corporation, South West Mining and Development Co., Spencene Corporation of America, Spence & Co., Incorporated, Spectrum Dyes, Inc., Specialty Drug Mfg. Corp. of America, Special Ice Cream, Inc., Specialty Machine Corporation, Speedway Park Superior Poultry and Egg Farms, Inc., Sparma Research and Holding Company, Sperry Securities Co., Spivey Building Corporation, Spray Away Corporation, Springs Concrete Machinery Co., Spray Dryer Process Corporation, Spruance Drug Company, Spring Garden Holding Company, Spreckles Sugar Corporation, Stadig Aeronautical Corporation, Staggers Oil and Gas Company, Stan Amusement Company Incorporated, Standard Auto Service Company, Standard Awning Mfg. Co., Standard Asphalt Company of Florida, The, Stanton

PROCLAMATIONS

Boys' Clothiers of Trenton, N. J., Inc., Standard Building Material Company, Standard Construction Company, Standard Coal Company, Standard Electric Corporation, Standard Excavation Company, Standard Fruit Products Co., Standard Financial Assurance Fund, Inc., Standard Fuel and Material Company, Standard Homes Utilities Inc., Standard Holding Corporation, Standard Income Investments Incorporated, Standard Jewelry Exchange Inc., Standard Lumber Company, Standard Lift Company, Standard Minerals Corporation, Standard Mineral Flooring Co., Inc., Standard Maintenance Corporation, Standard Mortgage Securities Corporation, Standard Outdoor Advertising Corporation, Stanley Oil Company, Standard Public Service Company, Standard Resilient Wheel Corporation, Standard Reserve and Deposit Company, Stanley Securities Corporation, Standard Sales Company, Standard Systems, Inc., Standard Sales Service, Incorporated, Standard Screens, Inc., Standard Specialties Corporation, Standard Shares Holding Company, Standard Securities Company, Standard Tourist Inns Association, Inc., Standard Trailer Corporation, Standard Utilities Engineering Corporation, Standard Utilities Corporation of America, State Capital Company, Star and Crescent, Inc., The, Staunton Company, The, Staple Food Products Corporation, Star Lubricant Company, Star Lamp Company, Inc., Star Motors, Inc., Stata Publishing Company, Statistical Research Corporation, States Service Corporation, State Underwriting Syndicate Inc., Star Welding Corporation, Stein-Brake Corporation, Steel Barge Company of America, Inc., Steinmetz and Company, Inc., Sterling-Chromium Corporation, Sterling Commercial Company, Stewart Davit & Equipment Corporation, Sterling Finance Corporation, Ltd., Steem Heeter Company, The, Stephens Hosiery Company, Stevens Ice Cream Corporation, Ltd., Steele Inc., Stewarts Market Incorporated, Steinite Manufacturing Company, Stevens Manufacturing Corporation, Sterling Petroleum Corporation, Ltd., Steam Power Corporation of America, Steam Production Corporation, Steinite Radio Company, Steese Securities Inc., Stearns Stafford Roller Bearing Company, Sterling Transportation Company, Inc., Stilson Manufacturing Company, Stiefel Products Incorporated, Stilwell Self-Adjusting Spring Co., Stockland Equipment Sales Company, Stockholders Investment Corporation, Stout Construction Company, Stonleigh Garage, Inc., Stoner Incorporated, Stoney Securities Corporation, Stone-Williams & Co., Inc., Strath-

PROCLAMATIONS

meade Corporation, Structural Concrete Unit Corporation, Stradley & Company, Strange Creek Coal & Coke Co., The, Strotz Tubeless Radio Corporation, Stukenborg Corporation, Studio Dansant Corporation, Studebaker Hire Service Inc., Stutz Philadelphia, Inc., Stuckey's Red Cross Pharmacy, Inc., Su-Dex Wood-Curing Company, Inc., Suburban Water Securities Inc., Sunset Beach Amusement Park Incorporated, Sullivan Bros., Inc., Super Bandage Company, Inc., Summit Corporation, The, Superior Construction and Contracting Company, Sussex Corporation, Sun Dye Works Inc., Superior Felt & Paper Mills, Inc., Susquehanna Furniture Company, Superior Foundry Supply Company, Sunshine Greeting Card Company, Sunlight Laundries, Inc., Susquehanna Line, Inc., Summit Manufacturing Company, Superior Mines Company, Sunbeam Oil Company, Super Products Corporation, Suntone Products Co., Susquehanna Public Utilities Company, Superior Personal Finance Co., Inc., Surburg Products, Inc., Sun Plan Corporation of New York, Superior Products Co., Sunnydale Rabbit Ranch, Incorporated, Sussex Real Estate Corporation, Sunset Stores Inc., Sunbury Safety Tire Co., Inc., Sullivan Shipping Corporation, Sun Taxicab Corporation, Sunny Vineyards Company Inc., Superior Wire Products Corporation, Ltd., Syncline Contracting Company, Swiss Colony Vintages, Inc., Syracuse Gear Corporation, Syndicate Holding Company, Sweetnin' Inc., Syndicate Investments of America, Incorporated, Syrie Maugham Inc., Swartwood Nelsin Paper Company, Sylvan Point Company, Symphonic Sound System, Inc., Syndicate Trading Corporation, Syncrasy Talking Picture Corporation, Swan Valley Muskrat Company.

T. C. Gleich & Co., T. Jensen Inc., T. & Ky. Oil Corporation, T. K. Egg Preserving & Poultry Co., T. L. R. Realty Company, T. W. McGuire Company Incorporated, Taylor Artwood Corporation, Tamaqua Brewing Company, Tanar Corporation Ltd., Taliaferro Corporation, The, Tassel-Liter Co., The, Talbison Oil Company, Taylor Produce and Development Corporation, Ltd., Tang Tang Industries Inc. of Delaware, Terminals Associates, Incorporated, Television Apparatus Corporation, Television Corporation of America, Terra Cotta Research Corporation, Texokla Corporation, Tedrita Corporation, Testing Devices, Inc., Texas Independent Pipe Line Company, Television Interests, Inc., Tecolote Mines Company,

PROCLAMATIONS

Tempest Mining Company, The, Television and Sound Corporation of America, Terry Sales Corporation, Tennis Securities Co., Texota Service Corporation, Texas Sugar Refining Corporation, Ten S. Corporation, The, Texas Salt Company, Texas Table Grapes Inc., Tennessee Utilities Company, Texas Water Utilities Company, Tex-York Petroleum Corporation, Tex-York Utilities Corporation, Thermatic Combustion Corporation, Thermitite Construction Inc., Thermolar Heater, Inc., Theronoid, Inc., Thermo Mausoleum Company, Thermophor Manufacturing Company, Thlocco Oil Company, The, 13 Products Corporation, Thermic Research Company, Thompson & Black, Inc., Thomas B. Bennett & Company, Thrift Feed Mills, Inc., Thos. H. Ince Corporation, Thompson-Palmer Refrigeration, Inc., Thomson Realty Company, Thomas S. Rockwell Company, Thomas White Corporation, Ticker Forecasts Inc., Tidewater Lines Inc., Tidy Products, Inc., Ticker Wiregram Service, Inc., Tidewater and Western Collieries Company, Titus Development & Sales Co., Tioga Natural Gas Corporation, Ting Ning Lum Yick Society, Titus Oil Company, Tioga Recreation Inc., Time Systems Inc., Toledo Business University Corporation, Tolliver Chevrolet Company, Tompkins Holding Corporation, Tom Huston Frosted Foods, Inc., Today's Printing Corporation, Tom Thumb Corporation, Tonopah-Aspen Mining Company, Townsend Brick Company, Torney Corporation, Topkis Construction Company, Townsite Mining Company, Toteca Petroleum Co., Traders Arbitrage Corporation, Trans-Artic Submarine Expedition Inc., Triangle Automobile Company, Tri-Continent Refining Corporation, Tradewald Corporation, Trading Corporation of America, Triangle Film Corporation, Travelers Guide & Protective Association, Transcontinental Holding Corporation, Tremont Investment Corporation, Traversity, Inc., The, Traders Investment Corporation, Travelers League Inc., Trinidad Metals Corporation, Trans-Mississippi Utilities Corporation, Trenley Oil Company, Inc., Trinity Oil Corporation, Trefoil Perfumery Corporation, Tremont Realty Co., Inc., Triangle Shipping Corporation, Tri-State Gas & Oil Corporation, Tri State Broadcasting Corporation, Tri-State Natural Gas Corporation, Triplex Sales Co., Tri-State Service Company, Tri-State Development Company, Tri-State Investment Company, Tri States Power Corporation, Triad Television and Manufacturing Co., Inc., Transatlantic Tours, Inc., Trenton Union Bus Terminal, Inc., Tri-Utilities Securities Corporation,

PROCLAMATIONS

Tri-Utilities Corporation, Tropical Airways, Inc., Tropical Chemicals, Incorporated, Trusound Corporation of America, Trustees of District Parsonage, Incorporated, Tropical Fruit & Land Corporation, Tropical Mining and Developing Corporation, Tupelo Agricultural Company, Tucker County Mining & Development Company, Tulsa Cement Company, Tuckahoe Exchange, Inc., Tug Fidelity Corporation, Tucker-Kenworthy Company, Tularosa Lumber Products Co., Tully Sons & Co., U. S. A., Turbo Aircraft Motor Company Inc., The, Turtle Creek Valley Development Company, Tylac Company of Pittsburgh, 20th Century Garage, Inc., Twin City Motor Car Company, 2101 Connecticut Avenue, Inc., Twin Falls Placer Co., Twin-High Transmission Company Inc., Twin States Natural Gas Company, Twin Theatres Corporation of Chicago.

Uchin & Bell, Inc., U. C. T. Corporation, Uhl Investment Co., of San Francisco, U. S. Alloidal and Plating Co., Inc., U. S. A. Jiffy Fountain Pen Company, U. S. E. Inc., U. S. Export Chemical Corporation, U. S. Food Products Co., U. S. Fire Gard Corporation, U. S. Fluorspar Corporation, U. S. Hoist & Body Co., The, U. S. Navy Review, Inc., The, U. S. National Securities Company, U. S. Railway Metal Cross Tie Co., U. S. Visible Lunch Rooms Inc., U. W. Hutchings, Ltd., Inc., U. X. B. Realty Company, Universal Activities, Incorporated, Unger Aircraft, Incorporated, Universal By-Products Corporation, Universal Clock Corporation, Unity Company, University Catering System, Inc., Universal Charter Company of Delaware, Universal Colonization Company, Unit Corporation of America, The, University Clothes Shop, Inc., Unit Corporation of America, Universal Corporation, The, Universal Engineering Corporation, Universal Freezer Corporation, Universal Health Corporation, Universal Industrial Laboratories, Ltd., Universal Marine Salvage Corporation, Unique Machine Shops, Inc., Universal Mills, Inc., Universal Pajama Corporation, Unangst Pharmacies, Inc., Universal Radio Producers Corporation, Universal Reproducing Corporation, Universal Snapfit Crystal Company, Inc., Units Service Incorporated, Universal Talking Pictures Amplification Inc., United Apartment Owners Management Co., Inc., United Apartment Owners Association, Inc., United Auto Exchange, Inc., United Amusement Company, Inc., United American Service Association, United

PROCLAMATIONS

Aeronautical & Rubber Co. Ltd., United American Utilities Incorporated, Union Beverage Company, United Bankers Corporation, The, United Business Service Inc., Union Bond and Mortgage Company, United Comedy Pictures Corporation, Ltd., United Candy Manufacturing Company, United Contracting Co., United Distributors Corporation, Union Electric Power Corporation, Union Exploration Company, Union Financial Corporation of America, Union Gas Utilities, Inc., United Grape Products, Incorporated, Union Holding Company, United Hotels Company of America, United Hotels of the South and West Inc., United Interstate Finance Company, United Industrial Credits Inc., Union Labor Record Inc., United Motor Terminals, Inc., United Medical Service Corp. Ltd., The, Union National Service Corporation, United Oil Royalties, Inc., United Optical Manufacturing Company, United Outdoor Advertising Association, United Plywood Corporation, United Pan-Col Indies Inc., United Properties Inc., Union Power Corporation, United Radio Utilities Co., Ltd., Union Realty Company, United Securities Company, Union Sand & Gravel Co., United Security Company of Washington, D. C., United Securities & Registry Company, Union Station Garage, Incorporated, United States Air Lines, Inc., United States Bond and Mortgage Corporation of Georgia, United States Consolidated Breweries, Inc., United States Coal Corporation, United States Coal Eliminator Corporation, United States Felstone Company, United States Fruit Distributors Inc., United States Gas & Oil Co., United States Mechanical Engineering Co., Inc., United States Ozone Company, United States Progress Co., United States Rayon Corporation, United States Realty Associates, Inc., United States-South American Import & Export Co., United States Syndicate Corporation, United States Torpedo Co., United Trucking, Inc., United Trade Review, Inc., United Type Founders Company, Union Technical Sales Company, Union Utilities Inc., United Venezuela Oil Corporation, Union Waterworks Company, Utility Appliance Corporation, Ury Corporation, Utiliten Corporation, Utylo Corporation, Utilities Development Company, Utilities Engineering & Service Corporation, Utilities Gas & Electric Company, Utilities Public Service Company, Utility Sales Corporation, Urban and Suburban Real Estate Company, Urban Ventures, Inc.

PROCLAMATIONS

Vacuum Clutch Control, Inc., Vacuum Mechanical Production Company, V. Z. P. Holding Corporation, Valley Auto Parts, Inc., Valette & Co., Inc., Valley Loan Company, The, Valley Mortgage Co., Valley Sales Corporation, The, Valley Vista Apartment House Co., Van Asalen Construction Co., Inc., Van Gorder Service Inc., Vapor Ice Machine Corporation, Vanity Shoppe Inc., The, Van Sicklen Corporation, Van Slyke Electric Clock Company, Van Tassel Leather Products, Inc., Vaughn T. Bornet & Co., Inc., Vend-A-Mint, Incorporated, Verille Aircraft Company, Verda Corporation, The, Vetterlein Cornell Corporation, Venezuela Calcining Co., Vending Device Operators, Inc., Vego Flavors Limited, Vetterlein Fuel Company, Venezuelan Gas Service, Inc., Venoilco, Inc., Verdugo Investment Company, Veteran Motors Corporation, Vel-O-Rose Corporation, Vegidine Products Company, Venezuelan Royalties Corporation, Ventilating Service and Equipment Co., Victor's Cut Price Furniture Stores, Inc., Victor Investment Company, Vigilante, Inc., Victory Motor Car Company, Victory Productions Co., Ltd., Vibra Products Company, Inc., Vienna Ray Corporation of America, Inc., Victors Sandwich Shop, Incorporated, Victory Service Corporation, Vilsack Smith Inc., Victory Sparkler and Specialty Company, Vinton Breather Cap Corporation, Virgil Corporation, Vira Corporation, Vinson & Company, Inc., Vissat Frog and Switch Company, Virginia Food Products Manufacturing Company, The, Vine-Glo Corporation of New York, Vitamin Laboratories, Inc., Vincent Mercaldo Company, The, Virginia Production Company, The, Vitamin Products Corporation, Visugraphic Pictures, Inc., Vino-Sano Distributors, Inc., Vogue Dry Cleaning Company, Vogel Geophysical Exploration Company of Europe, Von Haupt Oil Company, Inc., Vulcan Mining Company, Volkmer Radio Products Corporation, Vogue Women's Shop, Inc.

W. B. Foshay Co., W. C. Manufacturing Company, Inc., W. G. Dress Co., W. H. Haws Hot Top Co., W. H. Drake and Company, W. H. J. Hipple Inc., W. H. McConkey Co., Incorporated, W. J. Warren and Company, W. L. W. Development Company, W. M. Anderson Company, Wa-Ne Publishing Company, W. P. Galloway Company, W. S. S. Securities Corporation, W. T. Scott Engineering & Mnfg. Co., Wacker-Wabash Corporation, Wall Craft Company, Incorporated,

PROCLAMATIONS

The, Walker Craig Corporation, Waller Laboratories, Inc., Wallweber Rug Cleaning Company, Walter A. Stinsman and Company, Walters, Incorporated of Wilkes-Barre, Walton Realty Co., Walter Ryan Safe Company, Walter W. Ahlschlager Incorporated, Wardman Annapolis Corporation, Ware Radio Inc., Warehouse Securities Corporation, Warren Life Underwriters, Inc., Warroad Light & Power Company, Warren McArthur Furniture Corporation, Washington Amusement Company, Inc., Washington Associates Inc., Washington Bus Terminal Company, Washington Credit Finance Corporation, Washington Circle No. 7 Brotherhood of America (H. F.) C of A Inc., Washington Concrete Products Company, Washington Development Company, Waste Fibre Products Company, Washington-Leary Company, Wasserman Manufacturing Company, Wash-O-Matic Corporation, The, Wash-Okla Oil and Gas Company, Washingtonian Publishing Company, Inc., The, Washington Photo Company Incorporated, Washington Realty Company, Washington Refrigeration Company, Washington Securities Corporation, Washington Shade Company, Inc., Washita Supply Corporation, Washington Sign Co., Inc., Washington Service Bureau, Incorporated, Washington Sales Company, Inc., Watkins Process Foreign Royalties Corporation, Watertown Public Service Company, Waterman Worsted Mills Inc., Waukesha Mineral Water Company, Wayne Silk Mills Inc., Weber Knit Hosiery Co., Webwax Corporation, Weiss-Muessel Company, Weideman Oil Company, Welded Tanks, Inc., Wells Air System For Tires, Inc., Wemlinger, Inc., Wellens Pump Corporation, Wellington Process Company, Inc., Western Acceptance Corporation, Western Auto Wreckers, Inc., West Bay Company, The, West Branch Company, Western Baking Company, Western Corporations Consolidated, West Coast Developers Incorporated, West Coast Manganese Corporation, West Coast Public Service Co., Inc., Westview Dairies, Inc., West Dover Farmer Packers, Incorporated, Western Engineering Corporation, Western Fields Petroleum Corporation, Western Granite Company, Inc., Western Gas and Utilities Corporation, The, Western Limestone Products Company, Western Numetals Corporation, Western Natural Gas Corporation, West Philadelphia Securities Corporation, Western States Imperial, Inc., Ltd., Western Syndicate, The, Western Securities Corporation, Western States Land and Live Stock Corp., Ltd., Western States Lumber

PROCLAMATIONS

Company, West Texas Durant Company, West Virginia Natural Gas Company, West Woodridge Theatre Co. Inc., Weymann American Body Company, Wheeling-Aero Exhibitors, Inc., Wheat Cleaning Company, Inc., Wheeling Mold & Foundry Company, Wheaton & Townsend, Inc. Ltd., Whistle Company of Baltimore, Whistle Company of Ohio, White Bros. Supply Company, Whiting Co., Inc., Whitecliff Development & Manufacturing Co., White Engineering Corporation, Whole Grain Naturefood Works, Inc., Whitlock Hosiery Corporation, Whiteford & Jawish, Inc., Whitfield-Johnson Motor Company, White Line Tours, Inc., Whoopee Manufacturing Co., Whiting Motor Company, White Manufacturing Corporation, Wholesalers Service Corporation, White's Toilet Goods, Inc., Who's Who Publishing Co. of America, Wickapogue Company, Widener Hardwood Lumber Company, Wick Newspaper Corporation, Wichtex Oil Company, Wm. A. Hill Company, Wilk and Co., Inc., Wilbur Coon Shoes Inc., Willits Corporation, Wilder Company, The, Willard D. Boyce Inc., William Groff Moyer Laboratories, Inc., William Haines Auto Drivers Arm Rest, Inc., Ltd., Wilbur International Corporation of America, William J. Dougherty Reptile Tanners, Inc., William J. Weaver, Jr., Incorporated, William L. Loper, Inc., William Lemle Company, Williams Oil Company of Ohio, William O. Shreve & Sons Company, Wilkinson Ranch and Stock Company, Inc., Ltd., Williams' Statistical Organizations, Incorporated, Wilkie Sales & Service, Inc., Wm. Shedd Holton & Company, Inc., Wilckens-Staats Co., William S. Phillips & Company, William Tell Corporation, Williamsport Wholesale Drug Co., Wilmington Athletic Club, Wilmington College of Pharmacy and Science, Inc., Wilmington Lodge No. 184 Loyal Order of Moose, Inc., Wilmington Novelty Store Inc., Wilmington Plastering Company, Wilmington Sporting Club, Wilmington Syndicate Co., Wilson Bros.-Delaware Co., Wilson Bros.-New Jersey Co., Wilson Bros.-New York Co., Wimer, Inc., Wilson Kiln & Dryer Company, Wilsons-999-Corporation, Wiley Wyatt Company, Inc., Winnebago Company, The, Window Equipment Corporation, Windsor Holding Company, Wincliff Inc., Windber Manufacturing Company, Winfield Oil Company, Winchester Repeating Arms Company, Wine and Soda Corporation of Costa Rica, Wisto Company, The, Winter Expansion Company, The, Wisconsin Estate Fund Incorporated, Wisconsin General Mortgage Company, Wis-

PROCLAMATIONS

consin General Finance Corporation, Wisconsin Grant Oil and Gas Company, Wittenberg Construction Company, Witt-Humphrey Steel Company, Woerner Wire & Iron Works Inc., Wollenberger & Co., Wollson Golf Greens Co., Wolverine Home Telephone Company, Wolcott Petroleum Company, Wolf Street Terminal Co., Woman's Aid Publishing Co., Inc., Women's Christian Temperance Union, Woodland Brake and Battery Service, Inc., Woodard, Brooks & Bundy, Incorporated, Woodenware Export Co., The, Woodside Orchard Company, Inc., World Biographical Association Inc., Worth Engineering Company, Inc., World's Fair Amusement Co., World International Pictures, Inc., World War Cyclorama, Inc., Wright, Warlow & Co., Wyoming Products Company, Wyoming Sulphur Compound Company, The.

Yarnall's Hairdressing, Inc., Yadkin, Inc., Youthalene Company, Inc., The, York Corporation, Young Investment Company, Yost-Linn Lumber and Finance Company, York-Penn Gas & Utilities Corporation.

Zickgraf Company, Inc., The, Zavon Company, Incorporated, Zeigler Coal Company, Zenith Investment Company, Zabel Knitting Mills, Inc., Zepp Oil & Gas Company, Zander Oil & Gas Corporation, Zorbit Products Corporation, Zuckerman Services, Inc.

IN TESTIMONY WHEREOF, I, C. D. Buck, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal to be hereunto affixed this nineteenth day of January, in the year of our Lord one thousand nine hundred and thirty-five and of the Independence of the United States of America, the one hundred and fifty-ninth.

(Great Seal)

By the Governor:

C. D. BUCK.

WALTER DENT SMITH,
Secretary of State.

PROCLAMATIONS

CHAPTER 323

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, The State Tax Department of the State of Delaware reported to me on the first day of January, A. D. 1935, a list of the companies that were two years in arrears for taxes, having refused, failed or neglected to pay the taxes assessed against them; and

WHEREAS, the Governor of the State of Delaware did issue his Proclamation on the nineteenth day of January, A. D. 1935, proclaiming the "Mathiasen Shipping Company, Inc.", as having failed, refused or neglected to pay the taxes aforesaid.

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do hereby proclaim that, "Mathiasen Shipping Company, Inc.", a corporation incorporated under the laws of the State of Delaware, May 20, A. D. 1931, it having been established to my satisfaction, has not neglected or refused to pay the annual franchise taxes assessed against said corporation and that said company was inadvertently reported to me by said State Tax Department as failing, refusing or neglecting to pay said taxes as aforesaid; that pursuant to the authority vested in me by virtue of Section 79 of the Franchise Tax Law of the State of Delaware, to correct such mistake, I hereby make the same known by filing this Proclamation to that effect in the office of the Secretary of State.

PROCLAMATIONS

IN TESTIMONY WHEREOF, I, C. D. Buck, Governor of the State of Delaware, have hereunto set my hand and caused the great seal of this State to be hereunto affixed this fourteenth day of March, in the year of our Lord one thousand nine hundred and thirty-five, and of the Independence of the United States of America, the one hundred and fifty-ninth.

(Great Seal)

By the Governor:

C. D. BUCK.

WALTER DENT SMITH,
Secretary of State.

PROCLAMATIONS

CHAPTER 324

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the economic importance and esthetic value of our trees and birds alike urge the careful conservation of these natural resources of our State, and

WHEREAS, public interest should be aroused to the importance of beautifying our roadsides, developing our parks, and preserving our wild flowers, forests, and other natural landscape values, and

WHEREAS, recognizing that one of the most effective means of accomplishing this end is found in education as provided by our public and private schools and institutions of higher learning,

NOW, THEREFORE, in compliance with the provisions of the Revised Code of Delaware, Section 2420, I, C. D. Buck, Governor of Delaware, do appoint and set apart Friday, April 12, 1935, as

ARBOR AND BIRD DAY

and request its observance by all public schools, private schools, colleges and other institutions, by the planting of trees and the adornment of the school and public grounds, and by suitable exercises, having for their object the advancement of the study of arbor culture and promotion of the spirit of protection to birds and trees and the cultivation of an appreciative sentiment concerning them.

PROCLAMATIONS

IN TESTIMONY WHEREOF, I, C. D. Buck, have hereunto
set my hand and caused the Great Seal of
the State of Delaware to be hereunto affixed
(Great Seal) this twenty-ninth day of March, in the year
of our Lord One Thousand Nine Hundred
and Thirty-five.

By the Governor:

C. D. BUCK.

WALTER DENT SMITH,
Secretary of State.

SECRETARY OF STATE'S OFFICE

Dover, Delaware

August 1, 1935

In obedience to the provisions and directions of Section 3, Chapter 10 of the Revised Statutes of the State of Delaware approved October 19, A. D. 1914, and as amended, I have collated with and corrected by the original rolls now in the office of the Secretary of State and caused to be published this edition of the Laws of Delaware, passed by the General Assembly at the regular biennial session commenced on Tuesday the first day of January, A. D. 1935, and ended on Wednesday the third day of April, A. D. 1935, and approved by the Governor.

WALTER DENT SMITH,

Secretary of State

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